

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42988 of 2018

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1. Birendra Yadav @ Virendra Yadav S/o Late Madho Yadav, R/o Vill.-
Banarshibigha, P.S.- Khizarsarai, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mrs. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 17-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 272 & 273 of the Indian Penal
Code and Section 30 (a) (D) of the Bihar Prohibition and Excise
Act, 2016.

10 liters of country made liquor is said to have been
recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that
no incriminating article has been recovered from the conscious
physical possession of the petitioner. He has no concern either
with the seized liquor or the place of recovery. The place of
recovery is an open place and easily accessible to anyone. He has



been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery from his possession. There is violation of Section 100 Cr.P.C. Though one more case under the Excise Act has been lodged against the petitioner but he is on bail in the said case. He has been languishing in custody since 13.06.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Gaya in connection with Khizarsarai P.S. Case No 170 of 2018.

(Prakash Chandra Jaiswal, J)

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