

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6286 of 2019**

Arising Out of PS. Case No.-368 Year-2018 Thana- MAIRWAN District- Siwan

Vishal Yadav, son of Pasuram Yadav @ Parsuram yadav, Resident of Village -  
Habib Nagar, P.S.- Hussainganj, Distt.- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gajendra Kumar Singh  
For the Opposite Party/s : Mr.Anita Kumari

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      05-02-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

The petitioner is languishing in custody since  
20.09.2018 in connection with Mairwa P.S. Case No.368 of  
2018 registered for the offences punishable under Sections 272,  
273, 308/34 of the Indian Penal Code and 30(a), 38(1) and 41(1)  
of Bihar Prohibition and Excise Act, 2016.

Prosecution case as per the FIR is that five F.I.R.  
name accused persons including this petitioner were intercepted  
from three motorcycles and from their possession, 25.2 litres of  
foreign liquor were recovered.

It is submitted by learned counsel for the petitioner  
that the recovery has not been made from the conscious physical  
possession of the petitioner and statement is made in para 3 of the



bail application that the petitioner is not having criminal antecedent, though the supplementary affidavit has been filed today by the petitioner to the effect that the petitioner is also made accused in Hussainganj P.S. Case No.97 of 2018 under Section 413 and 414 of IPC in which he is on bail.

Learned A.P.P. has vehemently opposed the prayer for bail and submits that the recovery has been made from the petitioner.

Considering the nature of accusation and the fact that investigation has already been concluded and period under custody, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Iind Additional Judge-cum-Special Judge, Siwan in connection with Mairwa P.S. Case No.368 of 2018

**(Dinesh Kumar Singh, J)**

sanjeev/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

