

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7049 of 2019

Arising Out of PS. Case No.-451 Year-2018 Thana- BAGHA District- West Champaran

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Nawal Yadav, S/o Late Pataru Yadav, Resident of Village- Shastri Nagar,
Ward No. 13, P.S. Bagaha (Pathkhauri O.P.), District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 23.10.2018
in a case registered for the offences punishable under Sections
272 and 273 of the IPC and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case is that police received a secret
information that two persons are carrying illicit liquor on a
motorcycle, whereupon, a raid was laid and then two persons



were intercepted. However, on seeing the police party, the accused persons after throwing polythene bags, escaped from the scene. It is further alleged that 50 litres of country made liquor were recovered from the said polythene bag which was thrown by the accused persons. Thereafter, the accused persons who managed to escape from the scene, were identified as Jamman Yadav, co-accused and Nawal Yadav, the petitioner.

It is submitted by learned counsel for the petitioner that no recovery has been made from the conscious physical possession of the petitioner and the petitioner has no concern with the motorcycle from which the alleged recovery of illicit liquor was made. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in three other cases, apart from the present case, but in all those cases, he is on bail.

It is submitted by the learned APP for the State that the petitioner were found escaping from the scene, after throwing polythene bag, from which illicit liquor was recovered.

Considering the fact that the accusation does not suggest any recovery made from the possession of the petitioner and the investigation being concluded, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to



the satisfaction of learned **Special Judge, Excise, Bettiah, West Champaran** in connection with **Bagaha P.S. Case No.451 of 2018.**

(Dinesh Kumar Singh, J)

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