

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7675 of 2019

Arising Out of PS. Case No.-118 Year-2017 Thana- SAHPUR District- Bhojpur

Dara Yadav @ Ayodhya Yadav, age 45 years, Male, S/o Late Garjan Yadav
village-Bagahi Randadih, P.S-Bihiya, Distt.-Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 18.11.2018 registered for the offences punishable under Sections 30(a) and 56(d) of the Bihar Prohibition and Excise Act, 2016.

On the secret information, a raid was laid when from a red coloured Bolero vehicle, 296.250 litres of illicit foreign liquor were recovered and one Prem Sagar Pandey was apprehended, who disclosed the name of other persons, who escaped from the scene as Surendra Singh and Dara Yadav, the petitioner.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical



possession of the petitioner and only on the basis of confessional statement of apprehended co-accused Prem Sagar Pandey, the name of the petitioner sprang up. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confessional statement of co-accused.

Considering the accusation which does not suggest recovery from the petitioner, the actual owner of the seized Bolero vehicle has not been ascertained, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Bhojpur at Ara in connection with Excise Case No. 1399A of 2017, arising out of Shahpur P.S. Case No. 118 of 2017.

(Dinesh Kumar Singh, J)

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