

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9334 of 2019**

Arising Out of PS. Case No.-8 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

SHAMBHUNATH YADAV Son of Sipahi Yadav Resident of Village- Tarwa,  
P.S.- Kopa, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Singh  
For the Opposite Party/s : Mr.Kalyan Shankar

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

2      18-02-2019                      Heard learned counsels for the parties.

The petitioner is languishing in custody since 11.01.2019 in a case registered for the offences punishable under Sections 272 and 273 of the I.P.C. and Sections 30, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 300 litres of Mahua liquor were recovered from three persons. From the possession of the petitioner, 100 litres and from his motorcycle, 10 litres of Mahua liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been framed in this case only on the basis of suspicion. It is further submitted that Mahua is used for feeding cattle. There is no chemical examination report to suggest that the seized material was Mahua liquor. Moreover,



the offences under the Excise Act are not weight based offences, hence the case of the petitioner cannot be distinguished. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the petitioner.

Considering the statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and the period under custody, let the petitioner above named 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 the learned 6<sup>th</sup> Additional Sessions Judge, Saran at Chapra in connection with Chapra Mufassil P.S. Case No.8 of 2019.

**(Dinesh Kumar Singh, J)**

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