

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12329 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- PANCHRUKHI District- Siwan

PRABHU YADAV son of Jang Bahadur Yadav, Resident of village- Mahpur,
P.S.- Sarai, O.P., District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mrs.Madhuri Lata

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
11.01.2019 in connection with Pachrukhi (Sarai O.P.) P.S. Case
No. 13 of 2019 for offences punishable under Sections 272 &
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant
police personnel, is that on secret information that in the field of
one Ali Haidar some persons have concealed huge quantity of
illicit liquor, the police conducted a raid and found the petitioner
fleeing away from the place, who was apprehended. In the field
from a bag 35.100 litres of Indian made foreign liquor was
recovered. Accordingly, a seizure-list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, nothing has been recovered from his conscious possession and the field from where recovery of illicit liquor was made did not belong to the petitioner. Petitioner is languishing in judicial custody for more than 1 ½ months.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Addl. Sessions Judge 2nd cum Special Judge (Excise) Siwan, in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 13 of 2019, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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