

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22900 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Shrikant Yadav, aged about 30 years, Male, Son of Hardyanand Yadav
Resident of Village- Phulwaria, P.O.- Makariar, P.S.- Mairwa, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi

For the Opposite Party/s : Mr. Satyadeo Singh Yadav

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 10-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Siwan
Muffasil (Dhanauti) P.S. Case No. 5 of 2019 registered under
Sections 272, 273 of the Indian Penal Code and Sections 30(a),
41(1) of Bihar Prohibition and Excise Act-2016.

190.80 lts. of foreign liquor is said to have been
recovered from Bolero vehicle and petitioner and three accused
persons were identified by the Chowkidar in the torch light in
the course of escaping from the said vehicle.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He was not apprehended



on the spot. He has no concern either with the seized liquor or with the vehicle in question or with any trade of liquor. He has been falsely implicated in this case at the instance of his enemy by taking the Chowkidar in collusion. There is no compliance of Section 100 Cr.P.C. He has been languishing in custody since 06.03.2019. Similarly situated co-accused, namely, Kranti Kushwaha @ Kranti Kumar Singh has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 04.04.2019 passed in Cr. Misc. No. 20859 of 2019.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Siwan Muffasil (Dhanauti) P.S. Case No. 5 of 2019.

(Prakash Chandra Jaiswal, J)

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