

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24211 of 2019

Arising Out of PS. Case No.-36 Year-2018 Thana- MANSI District- Khagaria

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RAUSHAN KUMAR YADAV @ Raushan Yadav, Male, aged about 22 years,
Son of Satyanarayan Yadav @ Satoo Yadav Resident of Village-Rajajan
Police Station-Mansi, District-Khagaria ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Bharat Bhushan, Adv.

For the Opposite Party : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-04-2019 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
07.02.2019 in connection with Mansi P.S. Case No. 36 of 2018
(G.R. No. 463 of 2018) for the offence alleged under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant
police personnel, is that on an anti prohibition drive, the police
received a secret information that the petitioner along with one
Bittu Yadav have concealed huge quantity of illicit liquor
outside his house in the adjoining land. The police conducted
a raid and recovered 59.250 liters of Indian made foreign liquor.
Raid was conducted at other places and illicit liquor was also
recovered. The petitioner along with co-accused, Bittu Yadav,
managed to flee.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the illicit liquor was not recovered from the house of the petitioner neither from the conscious possession of the petitioner, but, from the open land. He, further, submits that due to high handedness of police the petitioner is languishing in judicial custody since more than two months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases are pending against him although under different offence as evident from the supplementary counter affidavit filed on behalf of the petitioner.

Considering the nature of allegations and the materials on record, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Mansi P.S. Case No. 36 of 2018 (G.R. No. 463 of 2018) to the satisfaction of the learned Additional District & Sessions Judge II-cum-Special Judge, Excise, Khagaria, or the successor Court, 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)

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