

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33364 of 2019

Arising Out of PS. Case No.-112 Year-2017 Thana- THARTHARI District- Nalanda

Shyam Kishore Yadav Son of Kara Yadav @ Kara Gope Resident of Village -
Atabalchak, P.S.- Tharthari, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

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

ORAL ORDER

2 21-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Tharthari P.S. Case No. 112 of 2017 registered for the offence
punishable under Sections 30(a), 37(b) of Bihar Prohibition and
Excise Act.

300 lts. of country made liquor is said to have been
recovered from the Bank of river and one person in inebriated
condition was apprehended while six other accused persons
managed to escape. The apprehended accused disclosed the
name of fleeing persons including that of the petitioner and
stated that they were involved in brewing and vending liquor at
the aforesaid place.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the place of recovery or with any trade of liquor. He was not apprehended on the spot. He has been falsely implicated in this case by the apprehended accused, namely, Chano Yadav due to animosity. Petitioner has been languishing in custody since 01.04.2019.

On the other hand, learned APP for the State 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 bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-III-cumSpecial Judge, Excise, Nalanda at Biharsharif in connection with Tharthari P.S. Case No. 112 of 2017.

(Prakash Chandra Jaiswal, J)

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