

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83015 of 2019**

Arising Out of PS. Case No.-213 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

=====

Bittu Yadav @ Bittu Kumar Son of Umesh Yadav Resident of Village-
Rustampur, P.S.- Muffassil, District- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma
For the Opposite Party/s : Mr. Sucheta Yadav

=====

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

ORAL ORDER

2 16-12-2019 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends his arrest in connection with
Mufassil P.S. Case No. 213 of 2019 registered for the offence
punishable under Sections 30(a) and 37(c) of Bihar Prohibition
& Excise Act-2016.

30 lts. of country made liquor is said to have been
recovered from the barrage and two named accused persons,
namely, Ravindra Chauhan and Sukar Chauhan were
apprehended while one another accused managed to escape.



Apprehended accused disclosed the name of the petitioner as their fleeing accomplice in the occurrence.

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. There is nothing on recording indicating complicity of the petitioner in the occurrence barring the disclosure made by apprehended accused persons. There is violation of Section 100 Cr.P.C. No offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

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

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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-II-cum-Special Judge, Nawada in connection with Mufassil P.S. Case No. 213 of 2019, subject to the condition as laid down under



Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

