

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83066 of 2019**

Arising Out of PS. Case No.-291 Year-2019 Thana- PATNA CITY CHOWK District- Patna

GOPAL YADAV @ VICKY YADAV @ ROHAN YADAV @ GOPAL Son of
Bijay Prasad Yadav @ Vijay Yadav @ Dinesh Kumar Yadav Resident of
Mohalla - Morcha Road, P.S.- Chowk, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Advocate.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP.

**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 seeks bail in a case registered for the
offence punishable under Sections 272 and 273/34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

65 litres of country made liquor is said to have
been recovered from the rear side of the house of the petitioner.

It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from
the conscious physical possession of the petitioner. He has no
concern either with the seized liquor or place of recovery or any
trade of liquor. He has been falsely implicated in the case at the



instance of his enemy. Place of recovery is open place and is easily accessible to all. There is violation of Section 100 Cr.P.C. He has been languishing in custody since 28.09.2019.

Considering the facts aforesaid, 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 Special Judge, Excise, Patna in connection with Special Case No. 7632 of 2019 arising out of Chowk P.S. Case No. 291 of 2019.

(Prakash Chandra Jaiswal, J)

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