

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3458 of 2020**

Arising Out of PS. Case No.-265 Year-2019 Thana- SIKARPUR District- West Champaran

NANDKISHORE YADAV Son of Sri Lalbabu Yadav @ Lal Bahadur Yadav  
Resident of Village - Basantpur, P.S.- Sathi, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      12-05-2020                      Heard Mr. Abhishek Kumar, learned Counsel for the petitioner and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State, through video conferencing.

The petitioner seeks regular bail in connection with Shikarpur Police Station Case No. 265 of 2019, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 and Sections 20/22 of the N.D.P.S. Act.

The prosecution case, in brief, is that the police, on secret information, raided the place of occurrence and recovered 40 litres of illicit liquor, 1.2 kgs of Ganja, one motorcycle and several other utensils for manufacturing liquor and the police arrested three persons from the spot, who disclosed their names



as Salauddin Ansari, Rupesh Kumar and Kishun Yadav, who also disclosed the name of the petitioner along with others in their confessional statements.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case at the behest of the arrested co-accused persons inasmuch as no illicit liquor or contraband material has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was not arrested from the spot; rather, he surrendered before the learned Court below on 19.08.2019, and since then he is in judicial custody. He next submits that co-accused persons, namely, Kishun Yadav (by order, dated 04.12.2019, passed in Criminal Misc. No. 70953 of 2019), Salauddin Ansari (by order, dated 24.10.2019, passed in Criminal Misc. No. 64889 of 2019), Rupeh Kumar (by order, dated 04.12.2019, passed in Criminal Misc. No. 70346 of 2019) and Lalbabu Yadav (by order, dated 19.12.2019, passed in Criminal Misc. No. 84332 of 2019), have been granted bail by this Court. He also submits that the petitioner has no criminal antecedent.

After having heard learned Counsel for the parties and taking into consideration the fact that no illicit liquor or contraband material has been recovered from the conscious



possession of the petitioner, similarly situated co-accused persons have been granted bail by this Court and the petitioner is in custody since 19.08.2019, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, West Champaran, at Bettiah, in connection with Shikarpur Police Station Case No. 265 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

**(Anil Kumar Sinha, J.)**

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