

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 10377 of 2020

Bira Yadav @ Birat Yadav, aged about 22 years, Male, son of Pachan Yadav, Resident of village Bharasra P.S. Bihiya District Bhojpur
.....Petitioner

Versus

The State of Bihar

.....Opposite Party

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Appearance

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate.

For the State : Mr. Parmanand Kumar, APP.

CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

2 13.05.2020

Heard learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner who is in custody since 24.1.2020 has filed the instant application for grant of regular bail in connection with Excise Case no. 1932 of 2019 arising out of Bihiya P.S. Case no. 353 of 2019 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on seeing the police personnel, a tempo van attempted to avoid checking by speeding away. The same was chased. Two accused persons got down from the vehicle and attempted to escape but one of them was caught. He disclosed his name as Babu Lal Sah and the name of the person who had managed to escape as Bira Yadav, the petitioner herein. On search a total of 110 litres of mahua liquor was recovered from the vehicle.

It is submitted by learned counsel for the petitioner that no recovery as alleged has taken place. The petitioner was not arrested at the spot nor is he the owner of the tempo. He has been falsely implicated in the case and is in custody since 24.1.2020.



The application for bail is opposed by learned APP for the State who submits that even prior to this case the petitioner has one case under the Bihar Prohibition and Excise Act pending against him.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner was not arrested at the spot, his name transpired in the statement of co-accused made before the police and he is in custody since 24.1.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Excise Case no. 1932 of 2019 arising out of Bihiya P.S. Case no. 353 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge -cum- Special Judge, Excise Act, Bhojpur at Ara.

(Partha Sarthy, J)

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