

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19068 of 2020

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Jawahir Yadav aged about 54 years, (Male) son of Ram Charan Yadav, resident of village Saunaha, P.S.: Palanwa, District-East Champaran, Bihar.

..... Petitioner

Versus

The State of Bihar

..... Opposite party

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Appearance

For the Petitioner : Mr. Shakil Ahmad Khan, Advocate

For the State : Dr. Mritunjaya Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 14.05.2020 Heard learned counsel for the petitioner and learned A.P.P for the State, through video conferencing.

The petitioner who is in custody since 1.2.2020 has filed the instant application for grant of bail in connection with Raxaul P.S. Case no. 39 of 2020 registered for offence under sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., two persons carrying sacks on their head were seen coming from Nepal side. On being asked to stop, while one person managed to escape, one person was caught and disclosed his name as Jawahir Yadav. It is stated that a total of 75 litres of Nepali Kasturi wine was recovered.

It is submitted by learned counsel for the petitioner that no recovery as alleged has taken place from the possession of the petitioner. He is falsely implicated. He has no



criminal antecedent and is in custody since 1.2.2020. It is further stated that chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the fact of the petitioner being in custody since 1.2.2020 and having no criminal antecedent, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Raxaul P.S. Case no. 39 of 2020 on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, East Champaran, Motihari.

(Partha Sarthy, J)

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