

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21295 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

NAGENDRA YADAV Son of Indrashan Yadav Resident of Village- Tahira,
Police Station- Muffasil, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-07-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Siwan Muffasil PS case no. 40 of 2020 instituted for the offences punishable under Sections 272, 273 of Indian Penal Code and 30(a), 41(1) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 151.880 liters of illicit liquor from an open field.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the



present case, is having a clean antecedent and is languishing in custody since 08.05.2020. It is further submitted that the name of the petitioner has transpired in the confessional statement made by the co-accused person namely Raju Kr. Yadav and infact, neither the illicit liquor nor the field belongs to the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that neither the field in question, from where the illicit liquor has been recovered, belongs to the petitioner nor any recovery of illicit liquor has been made from the conscious possession of the petitioner, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Siwan in connection with Siwan Muffasil PS case no. 40 of 2020.

(Mohit Kumar Shah, J)

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