

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27485 of 2020

Arising Out of PS. Case No.-61 Year-2020 Thana- SAHARGHAT District- Madhubani

NANDESHWAR YADAV Son of Gyanchand Yadav Resident of Village -
Trimuhan, P.S.- Saharghat, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-11-2020 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, requiring social distancing.

Heard the learned counsel for the petitioner and
Shri Kalyan Shankar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Saharghat P.S. Case No. 61 of 2020/ G.R. No. 688 of 2020 for
the offence punishable under Sections 272, 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation is regarding recovery of 97 litres of
illicit Nepali liquor from a hut/ steel hut as also 249 litres of
illicit liquor from a Bolero jeep.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely



implicated in the present case, is having a clean antecedent and is languishing in custody since 06.06.2020. It is also submitted that neither the vehicle nor the house/ hut from where the illicit liquor has been recovered, belongs to the petitioner.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the period of incarceration of the petitioner herein as also the fact that it has been averred in paragraph no. 6 of the present petition that neither the vehicle nor the house/ hut from where the illicit liquor has been recovered, belongs to the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani/ Incharge Successor Court in G.R. No. 688 of 2020 arising out of Saharghat P.S. Case No. 61 of 2020.

(Mohit Kumar Shah, J)

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