

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32532 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- FULKAHA District- Araria

MUNNA YADAV @ NIRAJ KUMAR MUNNA S/o Chandeshwari Yadav
Resident of Village- Laxmipur, P.S.- Fulkaha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-12-2021 The instant case 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 the learned APP for the State.

The petitioner seeks regular bail in connection with Fulkaha P.S. Case No. 129/2020, registered for the offence punishable under Sections 30(a), 41(1) and 45 of the Bihar prohibition and Excise Act.

The allegation is regarding unknown



miscreants, having thrown jute bag upon seeing the police force, while they were traveling on motorcycle and having fled away. The police is stated to have searched the said bag and recovered illicit liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 31.12.2020. The learned counsel for the petitioner has further submitted that neither the petitioner has been apprehended from the spot nor any illicit liquor has been recovered from his conscious possession and his name has been falsely roped in the present case on account of his bad criminal antecedent.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials



available on record as also considering the fact that neither the petitioner has been arrested from the spot nor any illicit liquor has been recovered from the his possession, as also taking into account the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IInd cum Special Judge (Excise Act), Araria in connection with Special Case No. 867/2020 arising out of Fulkaha P.S. Case No. 129/2020.

(Mohit Kumar Shah, J)

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