

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33703 of 2021

Arising Out of PS. Case No.-351 Year-2020 Thana- BALIYA District- Begusarai

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DURGESH YADAV Son of Jitendra @ Jitendra Yadav @ Jito Yadav Resident
of Village - Phulwariya, P.S. - Ballia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-12-2021 Heard Mr. Yogesh Kumar, learned counsel for the

petitioner and Mr. Jai Narain Thakur, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Ballia
P.S. Case No. 351 of 2020 registered for the offences punishable
under Section 272, 273 of the Indian Penal Code 1860 and
Section 30(a) of the Bihar Excise Prohibition (Amendment) Act,
2018.

The allegation as per the First Information Report is
that the Police received a secret information that one Durgesh
Yadav (petitioner) and Chandramani Yadav along with some
unknown persons were indulged in manufacture and sale of
illicit liquor in an orchard, proceeded towards the place of
occurrence and recovered 80 litres of country made liquor from



the same.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent of the similar nature of the offence and he has falsely been implicated in this case on the basis of secret information received by the Police. Learned counsel further submits that the illicit liquor has not been recovered from the conscious possession of the petitioner and the same has been recovered from an orchard which is an open space accessible to all and sundry. The petitioner is in custody since 1.1.2021 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that no illicit liquor has been recovered from the conscious possession of the petitioner, the petitioner is in custody since 1.1.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Civil Court, Begusarai, in connection with Ballia P.S. Case No. 351 of 2020.

It is made clear that at the time of furnishing bail



bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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