

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27874 of 2020**

Arising Out of PS. Case No.-81 Year-2020 Thana- MAIRWAN District- Siwan

=====

KALLU YADAV @ SANDEEP KUMAR YADAV, S/o- Ashok Yadav  
Resident of Village- Mishrauli, P.S.- Mairwa, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Akshay Lal Pandit, Advocate

For the Opposite Party/s : Mr. A.M.P. Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

**ORAL ORDER**

3      01-02-2021                      Let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 16.10.2020, within four weeks from today.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mairwa P.S. Case no. 81 of 2020, registered under Section 30(a), 38(i), 41(i) of the Bihar Excise Act.

The accusation is that on receiving secret information about keeping of liquor in the south of brick-kiln of Basisth Singh in village-Atwan, the informant along with other Police personnel reached there. On seeing the Police party, one person started fleeing, but, on chase, he was apprehended by the Police, who disclosed his name Aditya



Kumar Pathak. On search of car, which was parked there, 89 bottles, each containing 180 ML Indian made foreign liquor recovered. On query, the apprehended person disclosed that he is doing work of liner and he further disclosed that liquor is being carried loading in two Wagon-R cars from U.P. through Hanumanganj. Thereafter, informant and other Police personnel started checking of the vehicles. In course of checking, two Wagon-R cars were seen. On seeing the Police party, four persons boarded on the said cars managed to escape. On search of Wagon-R car bearing registration No. UP16E-5227, several bottles of Indian made foreign liquor in volume of 103.680 liters and on search of another Wagon-R car bearing registration No. UP40B-9739, 495 liters Indian made foreign liquor, recovered. On query, Aditya Kumar Pathak disclosed that the seized liquor belongs to Shiv Kumar Yadav, Kallu Yadav (Petitioner), Kundan Rajbhar and Abhishek Yadav.

Learned counsel for the petitioner submits that the name of petitioner surfaced in the confessional statement of co-accused Aditya Kumar Pathak, who was said to be apprehended on the spot, who disclosed that the seized liquor belongs to the petitioner and three others named in the F.I.R. Further submission is that, in fact, the petitioner is not the



owner of the seized vehicles and he has falsely been implicated in this case as petitioner is accused in similar nature of case i.e. Mairwa P.S. Case No. 67 of 2020 in which two persons were said to be apprehended with motorcycle, out of them one was in drunken state, who disclosed that the said motorcycle was belonging to this petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J-II-cum-Special Judge Excise, Siwan in connection with Mairwa P.S. Case No. 81 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

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