

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34067 of 2020

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

ABHISHEK YADAV @ ABHISHEK KUMAR YADAV Son of Birender
Yadav Resident of Village - Thepahan, P.S. - Ziradei, District - Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Akshay Lal Pandit

For the Opposite Party/s : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 20-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Mairwa P.S. Case No. 81 of 2020 registered for the offence
punishable under Sections 30(a), 38(i), 41(i) of the Bihar Excise
Act, 2016.

It is the prosecution's case that one Aditya Kumar
Pathak was apprehended by the police with illicit liquor. He,
allegedly, disclosed to the police that two Wagon-R cars would
be while crossing UP-Bihar border in the night. The petitioner's
name was disclosed as one of the persons, who was supposed to
carry illicit liquor in the said two vehicles. The police are said to
have intercepted the vehicles in the night and recovered huge
quantity of illicit liquor. The persons, who were occupying the
vehicle alleged, managed to escape. It is, thus, on the basis of



disclosure made by co-accused Aditya Kumar Pathak that the petitioner has been named in the First Information Report.

Learned counsel appearing on behalf of the petitioner has argued that the petitioner is not the owner of either of the cars and there is no material other than the so-called disclosure made by co-accused Aditya Kumar Pathak for his implication in the present case. The petitioner is in custody since 20.08.2020.

Considering the fact that the said statement of Aditya Kumar Pathak is the only material for the petitioner's implication as is evident from the First Information Report, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-II-cum-Special Judge Excise, Siwan, in Mairwa P.S. Case No. 81 of 2020.

(Chakradhari Sharan Singh, J)

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