

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2609 of 2021

Arising Out of PS. Case No.-171 Year-2020 Thana- GAYA KOTWALI District- Gaya

Mahesh Yadav Son of Late Vishnu Yadav Resident of Mohalla - Gol Bagicha
(Gabra Par), P.S.- Kotwali, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-03-2021 Heard Mr. Priya Ranjan, learned Counsel for the
petitioner and Mr. Nawal Kishore Prasad, learned Additional
Public Prosecutor for the State, through Video Conference.

This application, for grant of regular bail, arises out
of Kotwali Police Station Case No. 171 of 2020, disclosing
offences under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The allegation, as per the First Information Report
is that on secret information, police raided newly constructed
house of one, Rajesh Yadav, who is brother of the petitioner and
recovered a total quantity of 21 litres of Indian Made Foreign
Liquor.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in this case merely on the basis of the fact that he happens to be the brother of Rajesh Yadav, from whose newly constructed house, the illicit liquor has been recovered, as would be evident from the seizure list. Learned counsel next submits that after the present case, the petitioner has been made accused in two other cases bearing Kotwali P.S. Case No.170 of 2020 registered under Section 3/4 of Explosive Substance Act and Kotwali P.S. Case No.172 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act. Learned counsel next submits that no illicit liquor has been recovered from the conscious possession of the petitioner and he is in custody since 13.10.2020 and the chargesheet has already been submitted against the petitioner and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner is in custody since 13.10.2020 and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Mahesh Yadav, 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 learned Special Judge (Excise), Gaya, in connection with Kotwali Police Station Case No. 171 of 2020.

It is made clear at the time of furnishing bail bond, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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