

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2624 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- BAHERI District- Darbhanga

DAYA SHANKAR YADAV, Son of RAM NANDAN YADAV, Resident of
Bandhuli, Police Station - Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. A.L. Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-03-2021 Heard Mr. Bijay Bhushan Prasad, learned Counsel
for the petitioner and Mr. A. L. Pandit, learned Additional Public
Prosecutor for the State, through Video Conferencing.

This application, for grant of regular bail, arises out
of Baheri Police Station Case No. 230 of 2020 (G.O. Case
No.989 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 the police during the course of patrolling seized certain
vehicle, i.e., pick up van, truck, Wagnor car and recovered a
total quantity of 3335.74 litres of illicit liquor from all the
vehicles. The police also recovered seven motorcycles from the
place of occurrence.

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 on the basis of disclosure made by the arrested co-accused, Amarjit Mandal, who allegedly disclosed that the petitioner had come at the place of occurrence for purchase of illicit liquor inasmuch as the petitioner was indulged in sale of the illicit liquor. Learned counsel further submits that petitioner has got no criminal antecedent and he has been made accused in this case on the basis of the fact that motorcycle of the petitioner was found near the place of occurrence for which learned counsel for the petitioner submits that the motorcycle was borrowed by the neighbour of the petitioner for some urgent purpose and the petitioner was having no knowledge about the same being parked near the place of occurrence. Learned counsel next submits that no illicit liquor has been recovered from the conscious possession of the petitioner and the motorcycle belonging to him and he is in custody since 23.09.2020 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 no illicit liquor has been recovered from the motorcycle of the petitioner and he is in custody since 23.09.2020 having no criminal antecedent and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Daya Shankar 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 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga, in connection with Baheri Police Station Case No. 230 of 2020 (G.O. Case No.989 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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