

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7761 of 2021

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

VIDYA SHANKAR YADAV @ BHULLA Not Given Resident of Village -
Bandhuli, P.S. - Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Ms. Sahin Begumr

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-04-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

The petitioner seeks regular bail in connection with
Baheri Police Station Case No. 230 of 2020, disclosing offence
under Section 30 (a) of the Bihar Prohibition and Excise Act,
2016.

The allegation, as per the First Information Report is
that the police, in course of patrolling, seized certain vehicle,
i.e., pick up van, truck, Wagon R 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 the sale of illicit liquor. He further submits that the petitioner has got no criminal antecedent and he has been made accused in this case on the basis of the fact that the motorcycle of the petitioner was found near the place of occurrence. He next submits that no illicit liquor has been recovered from the conscious possession of the petitioner and/or the motorcycle belonging to him and he is in custody since 23.09.2020 and charge sheet has already been submitted against the petitioner, as such there is no likelihood that the petitioner will abscond or tamper with the evidence. He further submits that similarly situated co-accused Daya Shankar Yadav has been granted bail by this Court, vide order dated 16.03.2021, passed in Criminal Misc. No. 2624 of 2021.

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 conscious possession of the petitioner or the motorcycle belonging to him,



he is in custody since 23.09.2020, having no criminal antecedent, similarly situated cop-accused has been granted bail by this Court and charge sheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, 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 learned 2nd Additional Sessions Judge -cum- Special Judge (Excise), Darbhanga, in connection with Baheri Police Station Case No. 230 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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