

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66649 of 2021

Arising Out of PS. Case No.-203 Year-2021 Thana- BANKA District- Banka

MANI YADAV Son of Mantu Yadav Resident of Village - Buddh Colony,
P.S.- Banka, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-12-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Banka P.S. Case No. 203 of 2021 (Special Excise No. 219 of
2021) for the offence registered under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 78.6 litres of
illicit liquor from a Toto rickshaw.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 21.09.2021.
The learned counsel for the petitioner has further submitted that
the name of the petitioner has transpired in the present case
merely on the confessional statement of the driver of the Toto
rickshaw in question, who is stated to have disclosed that the



petitioner is the person who is the owner of the illicit liquor in question. It is also submitted that the petitioner is admittedly not the owner of the Toto rickshaw.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the petitioner is stated to be the owner of the Toto rickshaw in question, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to 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 Additional District & Sessions Judge-II, Banka in connection with Banka P.S. Case No. 203 of 2021 (Special Excise 219 of 2021).

(Mohit Kumar Shah, J)

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