

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2859 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- HARLAKHI District- Madhubani

SANTOSH YADAV Son of Ram Nandan Yadav Resident of Village -
Mukhiyapatti, P.S. - Fulgama, District - Dhanusha (Nepal).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard the parties.

Petitioner seeks regular bail in connection with Harlakhi PS Case No. 301 /2021 instituted for the offence under Sections 272 / 273 / 34 of the IPC and Section 30 (a) of the Bihar Prohibition and Excise Act 2018.

405 liters of illicit Nepali country made liquor has been recovered from jute bags tied with four motorcycles.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the police with oblique motive. Learned counsel next submits that the fact of the matter is that the motorcycle in question belongs to *Mama*



(maternal uncle) of the petitioner and as per prosecution case petitioner was riding the motorcycle being unaware regarding the illicit liquor kept in jute bags tied with the motorcycle. Further more, the said recovery of illicit liquor is from four different motorcycles and from the motorcycle in question only 45 liters of illicit liquor has been recovered. Learned counsel next submits that during search and seizure procedures prescribed under Section 100 of the Cr.P.C. and the Excise Act have not been followed. Learned counsel next submits that petitioner has clean antecedent, he is in custody since 21-11-2021, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence if released on bail.

Regard being to the submissions made by the parties, taking into consideration the fact that petitioner is having clean antecedent, he is in custody since 21/11/2021, charge sheet has already been submitted and there is no likelihood that petitioner will abscond or tamper with the evidence, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District & Sessions Judge-II-
cum-Special Judge, Excise, Madhubani in connection with
Harlakhi PS Case No. 301 / 2021, G.R. No. 2199 / 2021.

(Anil Kumar Sinha, J)

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