

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35434 of 2021

Arising Out of PS. Case No.-247 Year-2020 Thana- KHAJAULI District- Madhubani

ASHOK KUMAR YADAV Son of Budhan Yadav Resident of - Sohoriya, P.S.
Jainagar, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav
		Mr. Ravi Prakash
For the Opposite Party/s	:	Mr. Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Khajauli Police Station Case No. 247 of 2020, registered for the offences punishable under Sections 272/273/414/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that a total quantity of 135 litres of illicit liquor was allegedly recovered from the motorcycle of the petitioner.

Learned Counsel for the petitioner submits that two motorcycles were intercepted by the police and from the motorcycle of the petitioner, 135 litres of illicit Nepali liquor



was recovered and from the motorcycle of co-accused Anand Kumar Yadav, 135 litres of illicit liquor was also recovered. He, referring to paragraph 9 of this application, submits that the petitioner is not the owner of the motorcycle in question and he has falsely been implicated in this case by the police with oblique motive. He further submits that co-accused Anand Kumar Yadav has been granted bail by co-ordinate Bench of this Court, vide order, dated 27.09.2021, passed in Criminal Misc. No. 26987 of 2021. He further submits that the petitioner has got no criminal antecedent and nothing has been recovered from his possession. He further submits that the petitioner is in custody since 29.12.2020 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, charge sheet has already been submitted, no illicit liquor has been recovered from the possession of the petitioner, similarly situated co-accused persons have been granted bail by this Court and the petitioner is in custody since 29.12.2020, 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. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Madhubani, in connection with Khajauli Police Station Case No. 247 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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