

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40635 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

1. AWADHESH YADAV @ AWADHESH KUMAR Son of Devendra Yadav
Resident of Village - Isari, Police Station - Muffasil, District - Nawada.
2. SUGIYA DEVI Wife of Kapil Yadav Resident of Village - Isari, Police
Station - Muffasil, District - Nawada.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022 Heard the learned counsel for the petitioners and the
learned APP for the State.

The petitioners seek regular bail in connection with
Muffasil PS case no. 110 of 2021 instituted for the offences
punishable under Sections 30(a) (d), 41, 52 of Bihar Prohibition
and Excise Act, 2016.

The allegation is regarding recovery of 05 liters of illicit
countrymade mahua liquor and other articles from near a cabin
situated in an open field.

The learned counsel for the petitioners has submitted
that the petitioners are innocent, have been falsely implicated in
the present case, are having clean antecedent and are languishing
in custody since 23.04.2021. The learned counsel for the
petitioners has further submitted that neither the petitioners were



arrested from the spot nor any illicit liquor has been recovered from the conscious possession of the petitioners and moreover, the field in question from where the illicit liquor has been recovered, does not belong to the petitioners.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that the field in question from where the illicit liquor has been recovered, does not belong to the petitioners and moreover, no liquor has been recovered from the conscious possession of the petitioners, I deem it fit and proper to admit the petitioners to the privilege of bail. Accordingly, the abovenamed petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of Additional District & Sessions Judge 2nd-cum-Special Judge, Nawada in connection with Muffasil PS case no. 110 of 2021.

(Mohit Kumar Shah, J)

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