

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40583 of 2021**

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

DHANPAT YADAV @ DHANPAD YADAV Son of Musafir 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.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

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

The petitioner seeks 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 from a cabin situated in an open field.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 23.04.2021. The learned counsel for the petitioner has further submitted that neither the petitioner was



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

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 petitioner and moreover, no liquor has been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) 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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