

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39151 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- ARARIA District- Araria

SHYAM YADAV Son of Mahipal Singh @ Mahipal Yadav, Resident of
village - Fatehpur, P.S.- Bilari, District - Muradabad (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-08-2022 Let the defects, as pointed out by the Office, be
removed within a period of two weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with Araria
(R.S.) P.S. Case No. 47 of 2022 alleged under Sections 30(a)
and 41 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution, total 2645.625 litres of foreign
liquor were alleged to be recovered from the *Truck*.

Learned counsel for the petitioner submits that he is
neither driver nor owner of the vehicle. He further submits that
the name of the petitioner has been figured in this case on the
confessional statement of the driver. Learned counsel for the
petitioner further submits that police has taken his name only

due to the reason that his name has figured in earlier cases. He further submits that charge sheet has been filed and petitioner is in custody since 18.06.2022. On the point of his four criminal antecedent, learned counsel for the petitioner submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State submits that from FIR, it transpires that petitioner is managing to sell the wine in the different districts of Bihar namely, Araria, Khagaria and Vaishali and therefore he is in custody since 18.06.2022, therefore bail may not to be granted to the petitioner.

In the present facts and circumstances of the case, I am not inclined to grant bail to this petitioner at this stage. Accordingly the bail petition of the petitioner is hereby rejected.

The Trial Court is directed to release the petitioner on bail only after framing of charge in this case on his own conditions.

(Dr. Anshuman, J.)

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