

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55893 of 2022

Arising Out of PS. Case No.-389 Year-2021 Thana- BARHARA District- Bhojpur

Munna Kumar Yadav Son of Late Deonath Yadav, Resident of Village-
Chakiya, P.S.-Taraye, District-Saran(Chhapra).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Adv.
For the Opposite Party/s : Mr. Parmanand Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Barhara P.S. Case No. 389 of 2021, lodged under Sections 379,
420, 411, 120B & 467/34 of the Indian Penal Code read with
Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, the total recovery of 5670
liter *desi* spirit has been made, which is subject matter of the
present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He
specifically in paragraph-5 of the application that only 42 liter

desi spirit was kept under gitti on vehicle whereas the contents of F.I.R. categorically states that the recovery is 5670 liter *desi* spirit has been recovered. He further submits that antecedent of petitioner is clean, he has been apprehended from the place of occurrence and he is in custody since 07.07.2021.

Learned counsel for the State opposes the prayer for bail and submits that there is wrong submission has been made as well as in the written in paragraph-5 of the application that only 45 liter is subject matter of this case but in F.I.R. it is 5670 liter of *desi* spirit.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore his bail application is hereby **rejected**, but liberty is hereby granted that he may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J.)

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