

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67852 of 2021

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

KAPIL YADAV Son of Devendra Yadav Resident of Village- Ishari, P.S.-
Nawada Muffasil in the District of Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2022 Heard.

The petitioner seeks regular bail in connection with Nawada Muffasil P.S. Case No. 110 of 2021, registered for the offence punishable under sections 30(a)(d)/41/52 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 5 liter illicit country made liquor, Gas Cylinders, empty gallons and one red colour drum in which rotten Kismis had been kept, from bushes situated in an open space.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been



falsely implicated in the present case and is languishing in custody since 31.7.2021. The learned counsel for the petitioner has referred to paragraph no. 8 of the present petition to submit that the recovery has been made from bushes situated in an open place and in fact, no illicit articles/ illicit liquor has been recovered either from the conscious possession of the petitioner or from his house and the place from where the same has been recovered, does not belong to the petitioner.

Per contra, Shri Pawan Kumar Chaurasia, the learned APP 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 parties and taking into account the materials available on record as also considering the categorical statement made in paragraph no. 8 of the present petition to the effect that the place from where various articles/ illicit liquor has been recovered, does not belong to



the petitioner, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Court of Additional District and Sessions Judge-II-cum-Special Judge, Nawada, in connection with Nawada Muffasil P.S. Case No. 110 of 2021.

(Mohit Kumar Shah, J)

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