

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3222 of 2023

Arising Out of PS. Case No.-206 Year-2022 Thana- CHANDI District- Bhojpur

VIMLESH YADAV @ VIMLESH KUMAR S/o Late Sahanand Yadav R/v-
Ramdihal Tola, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30(a), 36 of the Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that the police party reached at Ramdihal Tola bank of Ahar after getting secret information then seeing the police party accused persons managed to flee away. Upon search of place of occurrence, 160 liters foreign country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Petitioner has no



concern with the alleged recovery of illicit liquor or with the place of occurrence. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession rather the name of the petitioner has been disclosed by local Chaukidar. From perusal of seizure list, there is no compliance of section 100 of Cr.P.C. in this case. Moreover, the petitioner is languishing in judicial custody since 18.11.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chandi P.S. Case No. 206 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive special Excise Court, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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