

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2656 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- RAGHUNATHPUR District- Siwan

NAYAN YADAV @ KRISHNA YADAV Son of Late Suresh Yadav R/v-
Rajpur, P.S.- Raghunathpur, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 19-04-2023 1. Let the defect(s), if any, pointed out by the office
be removed within four weeks from the date of this order,
failing which the matter be listed again under the appropriate
heading for necessary action.
2. Heard learned counsel for the petitioner and
learned APP for the State.
3. Petitioner seeks regular bail in connection with
Raghunathpur P.S. Case No. 82 of 2022, dated 26.04.2022
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.
4. The main submissions advanced by petitioner's
counsel are that the recovery of the alleged wine was made from



the bank of *Saryug River* and the same was not made from the conscious possession of the petitioner and he was not arrested from the place of recovery and he has been languishing in jail since 08.07.2022. Further submission are that though against the petitioner there are criminal antecedents of eight cases but out of them petitioner is on bail in five cases and petitioner's name surfaced in this case merely on the basis of information provided by local police chowkidar and the place of recovery is accessible to everyone as the same is an open place.

5. Learned APP appearing for the State has opposed the prayer for bail.

6. Considering the above submissions and mainly the custody period of the petitioner and also the facts that the petitioner was not apprehended at the place of recovery of alleged wine which is stated to have been recovered from an open place which is accessible to everyone and as per prosecution, petitioner's name surfaced on the basis of information provided by local police chowkidar, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the concerned Court in
connection with Raghunathpur P.S. Case No. 82 of 2022.

(Shailendra Singh, J.)

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