

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6826 of 2023**

Arising Out of PS. Case No.-203 Year-2021 Thana- RAGHUNATHPUR District- Siwan

NAYAN YADAV @ KRISHNA YADAV Son of Late Suresh Yadav R/V-  
Rajpur, P.S- Raghunathpur Distt- 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. Mithlesh Kumar Khare, 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. 203 of 2021, dated 20.11.2021 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 instant matter relates to the recovery of thirty-five Liters of country made wine and the same is stated to have been recovered from the house of the petitioner's mother but in actual the said house is in joint possession of all the



family members of the petitioner where several persons reside and all the accused persons named in the FIR are family members of the petitioner and two co-accused persons namely, Koshila Devi and Pritam Kumari have been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 42500 of 2022 and the petitioner has been languishing in jail since 09.11.2022. Further submissions are that though against the petitioner there are criminal antecedents of eight cases but he has got bail in five cases out of the said criminal antecedent cases and petitioner was remanded in all the antecedent cases one by one and the recovery of the alleged wine was made in the presence of two police *chowkidars* as per the FIR accordingly, there is no independent person of the alleged recovery of wine.

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

6. Considering the above submissions and mainly the facts that two co-accused persons are on bail as mentioned above and the petitioner has been languishing in jail since 09.11.2022 and he has taken the plea that the alleged place of recovery of wine is in joint possession of his family members, 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. 203 of 2021.

**(Shailendra Singh, J.)**

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