

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7130 of 2023

Arising Out of PS. Case No.-1031 Year-2022 Thana- MAJHAULIA District- West
Champaran

=====

SHYAM KISHORE YADAV SON OF VISHWANATH YADAV R/O
VILLAGE- RAMPURWA MAHANAWA, P.S.- MAJHAULIYA, DISTRICT-
WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 30 (a)/37 of the
Bihar Prohibition and Excise Act.

Altogether, 25 litres Chulai liquor as well as 50 litres
destroyed liquor has been recovered from the place of
occurrence. Two persons were apprehended on the spot who
disclosed the name of the petitioner as escaped persons.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
incriminating article has been recovered from the conscious
physical possession of the petitioner rather the illicit liquor is



said to have been recovered from an open place. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended persons which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in account of Bihar State Bar Council Welfare Fund, bearing Account No. 31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court



below where the case is pending/successor Court in connection with Majhauriya P.S. Case No. 1031 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

