

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8990 of 2023

Arising Out of PS. Case No.-304 Year-2021 Thana- ALOULI District- Khagaria

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Avinash Yadav @ Avinash Kumar Son Of Lalo Yadav @ Sastri R/V- Ladaura,
P.S- Alauli, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-04-2023 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 section 30(a) of the Bihar Prohibition and Excise Act.

It is a case of recovery of total 704.160 liters English wine, which was recovered from a Tata van.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of suspicion. Neither vehicle in question belongs to the petitioner nor any incriminating article has been recovered from his conscious possession. It is further submitted that



seizure list has not been prepared as per Section 100 of the Cr.P.C. He has got no criminal antecedent. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 07.12.2021 passed in Cr. Misc. No. 57888 of 2021. The petitioner is languishing in judicial custody since 19.12.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Alauli P.S. Case No. 304 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-Ist Khagaria.

(Sunil Kumar Panwar, J)

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