

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9858 of 2023

Arising Out of PS. Case No.-323 Year-2022 Thana- JAYNAGAR District- Madhubani

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Dharmdeo Yadav @ Dhandev Yadav Son of Parmeshwar Yadav Resident of
village - Korahiya Nav Toli, P.S.- Jaynagar, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 02-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Jayanagar
P.S. Case No. 323 of 2022 dated 16.09.2022 registered for the
offences punishable under Sections 272, 273 and 34 of the Indian
Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by learned counsel for
petitioner are that the instant matter relates to the recovery of 135
litres of Nepali country made wine and the same is stated to have
been recovered from an orchard in front of the petitioner's house
and accordingly the said recovery cannot be deemed to have been
made from conscious possession of the petitioner and petitioner
had no connection with the other recoveries shown in the FIR and
so far as the recovery of 135 litres of Nepali wine is concerned, the
petitioner cannot be held liable for the said seized wine as the

petitioner was not found having conscious possession of the alleged wine and the alleged place of recovery is stated to be from a bush in front of the house of one namely, Dharamdev Yadav to which the petitioner has no any role and moreover, the petitioner has been languishing in jail since 25.12.2022 and the recovery of the alleged wine was made before official persons and accordingly there is no independent witness of the said recovery and against the petitioner investigation has been completed.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the petitioner's custody period, completion of investigation against him and also the fact that the alleged recovery of wine was made before official persons, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Jayanagar P.S. Case No. 323 of 2022.

(Shailendra Singh, J)

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