

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15861 of 2023

Arising Out of PS. Case No.-38 Year-2022 Thana- DAWATH District- Rohtas

=====

RIPU YADAV S/O Ram Pukar Singh Resident Of Village- Bodhchatar, P.S.-
Dawath, District- Rohtas At Sasaram.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :
For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 08-05-2023 1. Heard learned counsel for the petitioner and

learned APP for the State.
2. Petitioner seeks regular bail in connection with

Dawath P.S. Case No. 38 of 2022, dated 23.02.2022 registered

for the offence punishable under Section 30(a) of the Bihar

Prohibition and Excise Act.
3. The main submissions advanced by petitioner's

counsel are that the instant matter relates to the recovery of 30

litres of *country-made Mahua Wine* and the same is stated to

have been recovered from a barnyard (*khalihan*) of one namely,

Jairam Paswan who is a co-accused in this case and petitioner

has no concern with the seized wine and the place of recovery,

he was not arrested at the spot of the recovery of the alleged



wine, petitioner's name was disclosed by the villagers as being involved in the alleged crime and except this there is no any other material to show the petitioner's involvement in the alleged crime. Further submissions are the petitioner has been languishing in jail since 23.03.2023 and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly the facts that the petitioner was not arrested at the spot, his name surfaced in the disclosure made by the villagers who gathered at the place of recovery and the place of recovery of the alleged wine is stated to be belong to co-accused Jairam Paswan and petitioner has taken the plea that he has no concern with the said place of recovery and also taking into account the fact that against the petitioner investigation has been completed and two police personnel have been shown as witnesses of the seizure of the alleged wine, 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 Dawath
P.S. Case No. 38 of 2022.

(Shailendra Singh, J.)

maynaz/-

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

