

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21669 of 2023

Arising Out of PS. Case No.-117 Year-2022 Thana- CHANAN District- Lakhisarai

Khelo Yadav Son of Munnilal Yadav R/V- Jankidih P.S-Chanan Dist-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 11-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Chanan
P.S. Case No. 117 of 2022 dated 06.08.2022 registered for the
offences punishable under Sections 30(a), (b), (c) 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 85
litres of illicit mahua wine and the same is stated to have been
recovered from two motorcycles and houses of co-accused
persons and the petitioner is concerned only with the recovery
of 30 litres of said wine which is alleged to have been recovered
from a motorcycle and as per allegation, petitioner and co-
accused Bajrangi Kora were riding on the alleged motorcycle

but they were not apprehended at the spot and it is also not clear that who was driving the said motorcycle and petitioner's name was disclosed by police chowkidar and local villagers, infact the petitioner has been falsely implicated in the present matter and he has been languishing in jail since 25.11.2022 and he is neither owner of the alleged vehicle nor he was driving the said motorcycle and mainly on the basis of his previous criminal history he has been made accused in the present matter and against him the investigation has been completed. Further submission is that the petitioner is on bail in all the cases of his antecedents.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the completion of investigation against the petitioner, his custody period and also the facts that the petitioner was not apprehended at the spot of recovery and his name was disclosed by police chowkidar and local villagers as being involved in the alleged crime of smuggling of 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 concerned Court in connection with Chanan P.S. Case No. 117 of 2022.

(Shailendra Singh, J)

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