

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21699 of 2023

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

Upendra Yadav S/O Uttam Yadav R/O Village- Korhiya, Navtoli, P.S-
Jaynagar, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, 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 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 IPC
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
1275 litres of Nepali country made sofi wine and the same is
stated to have been recovered from three different places and
petitioner is only concerned to the recovery of 630 litres of the
said liquor and as per allegation, petitioner was involved in
hiding the said wine near eastern side of a pond but the said
allegation is completely false as the petitioner was not arrested

at the spot of recovery and moreover, petitioner has no concern with the said place of recovery and he is neither owner nor have possession over the said place of recovery. Further submissions are that the petitioner has been languishing in jail since 03.01.2023 and against him the investigation has been completed and during investigation independent witnesses refuted the allegation levelled against the petitioner and the alleged wine was not recovered from conscious possession of this petitioner.

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 this petitioner and his custody period and also the facts that the alleged place of recovery of wine concerned to this petitioner is stated to be near a pond and petitioner has taken a plea that he has no concern with the said pond and the seizure memo goes to show that alleged recovery of wine was made before two police personnel, 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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