

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19824 of 2023

Arising Out of PS. Case No.-956 Year-2022 Thana- FATUA District- Patna

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Pappu Rai, Son of Rajendra Yadav @ Raj Nandan @ Raja Yadav @ Raj
Nandan Yadav @ Raza Yadav, Resident of Village - Malbigha, P.S. - Fatuha,
District. - Patna

... .. Petitioner/s

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The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kahkashan Alam, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Fatuha P.S. Case No. 956 of 2022 dated 27.12.2022 registered
for the offences punishable under Sections 30 (a) and 37(2) of
Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
recovery of 150 litres of country made (*mahua*) wine and the
same is stated to have been recovered from a mango orchard
situated at the bank of river and said place is an open place and
the alleged wine was not recovered from conscious possession



of this petitioner and one similarly situated co-accused namely, Siddhnath Giri @ Shidnath Giri has been granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 13514 of 2023 and the petitioner has been languishing in jail since 28.12.2022, against him there are criminal antecedents of four cases but the said cases were lodged under the offences of Indian Penal Code, out of which he is on bail in three cases and in the present matter the investigation has been completed against him. Further submission is that police constables have been made the witnesses of the seizure list and accordingly there is no independent witness to the recovery of the alleged wine.

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

5. Considering the above submissions and mainly the completion of investigation against the petitioner and his custody period and also the privilege of bail having been granted to co-accused by a co-ordinate bench of this court as mentioned above, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, **let the petitioner be released on bail after framing of charge, if the same has not been framed**, in connection with Fatuha P.S. Case No. 956 of 2022 on furnishing bail bond of Rs.10,000/-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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