

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19585 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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ALAGU YADAV @ ALGU YADAV, aged about 36 years, Male, Son of
Mainejar Yadav R/V- Devgharwa Ward no. 8, P.S- Yogapatti, Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2,APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 09-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Excise P.S. Case No. 57 of 2023 dated 17.01.2023 registered
for the offence(s) punishable under Section(s) 30(a) of the
Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 137.1 litres of Indian made foreign liquor and
the same is stated to have been recovered from a straw hut
situated near the house of this petitioner and as per prosecution
the said hut belongs to this petitioner but in actual no recovery
as alleged has been made from the said hut and the same is



clearly evident from the seizure list as in the seizure list the place of recovery has not been revealed and simply, it is mentioned that the recovery was made from Devagharwa P.S. Yogapatti but there is no detail of the said hut or house of this petitioner and the said fact is sufficient to falsify the allegation levelled against the petitioner, in fact there are criminal antecedents of three cases against the petitioner, owing to which he has been falsely roped in this case and in the present matter, he has been languishing in jail since 18.01.2023 and against him, the investigation has been completed

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

5. Considering the above submissions and mainly the facts that the seizure list does not show that the recovery of the alleged wine has been made from the house or hut belonging to this petitioner and regarding the actual place of recovery the seizure list is completely silent and vague and the said fact goes in favour of the petitioner and moreover, against him, the investigation has been completed, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Excise P.S. Case No. 57 of 2023 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)

Sanjay/-

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