

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21964 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- BENIPATTI District- Madhubani

Shambhu Kumar Yadav Son of Shailendra Yadav R/V- Piparaun , Ward no. 5,
PS- Harlakhi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr. Asha Kumari, 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 Benipatti P.S. Case No. 39 of 2023 dated 21.02.2023 registered for the offences punishable under Sections 272, 273 and 34 of IPC and Sections 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 207 litres of Nepali country made wine and the same is stated to have been recovered from a Xylo vehicle and the FIR itself goes to show that recovery was made from an overturned vehicle and the petitioner was apprehended in fleeing position from the spot and accordingly the alleged wine was not recovered from his conscious possession and he has fair and clean antecedent and

has been languishing in jail since 22.02.2023 and he is neither owner nor driver of the alleged vehicle and against him the investigation has been completed.

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

5. Considering the above submissions and mainly the petitioner’s fair and clean antecedent and the completion of investigation against him, 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 Benipatti P.S. Case No. 39 of 2023.

(Shailendra Singh, J)

Shahnawaz/-

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