

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59175 of 2023

Arising Out of PS. Case No.-729 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Mukesh Yadav S/O- Binda Yadav Village- Deokali Ps- Guraru Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh
For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner prayed for regular bail in connection with Excise Case No. 729 of 2023 instituted for the offence under Sections 30(a) & 56(b) of the Bihar Prohibition and Excise Act.

As per FIR, the petitioner was apprehended on the spot and from a Motorcycle bearing Reg. No. BR-02S-5783, total 60 liters illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. He has got no criminal antecedent.



Petitioner has no concern with the alleged recovery nor vehicle in question belongs to him. Seizure list has not been prepared as per provision of Section 100 of the Cr.P.C. It is further submitted that nothing incriminating article has been recovered from his conscious possession. The petitioner is languishing in judicial custody since 20.04.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

The petitioner being driver of the alleged vehicle is directed to deposit a sum of Rs 5,000/- (Ten Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Excise P.S. Case No. 729 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.3, Gaya.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of



deposit of Rs. 5,000/- (Rs. Ten thousand) by the petitioner
in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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