

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59197 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- SIMRI District- Darbhanga

1. Mukesh Yadav @ Mukesh Kumar Yadav Son Of Late Yogendra Yadav R/O Village- Ganj Madhopatti, P.S- Kamtaul, Distt.- Darbhanga.
2. Shiv Kumar Yadav @ Shiv Kumar S/O Surendra Yadav R/O Village- Ganj Madhopatti, P.S- Kamtaul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parul Prasad

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-10-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners have prayed for bail in connection with Simri P.S. Case No. 124 of 2023 registered for the offence punishable under Section 30(a)/41(i)(ii) of Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 97.56 litres of illegal foreign liquor from a Container bearing Reg. No. HR61D-7885. Both the petitioners were arrested on the spot.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and



have committed no offence. They have falsely been implicated in this case due to high handedness of police. They have got no criminal antecedent. Petitioner have no concern with the alleged recovery of liquor nor vehicle in question belongs to them. 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 their conscious possession. Petitioners are languishing in judicial custody since 21.06.2023.

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

The petitioner No.1 being driver of the alleged vehicle is directed to deposit a sum of **Rs 10,000/- (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 petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the



satisfaction of the learned Special Judge Excise-II,
Darbhanga in connection with Simri P.S. Case No. 124 of
2023.

The bail bond of the petitioner no.1 shall be
accepted by the learned court below on showing receipt of
deposit of Rs. **10,000/- (Ten Thousand only)** by the
petitioner no.1 in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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