

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60854 of 2023

Arising Out of PS. Case No.-315 Year-2023 Thana- BASANTPUR District- Siwan

Jai Prakash Yadav S/O Umashankar Yadav R/O Village- Sisai Nandu Rai Ke
Tola, P.S- Goreyakothi, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner prayed for regular bail in connection
with Basantpur P.S. Case No. 315 of 2023 instituted for the
offence under Sections 30(a) of the Bihar Prohibition and
Excise Act.

Prosecution case relates to recovery of total 95.400
liters foreign liquor was recovered from two motorcycles
bearing Reg. No. BR-06K-8262 and BR-04-AL-0724. The
petitioner was arrested on spot while three other co-accused
persons managed to escape.

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 due to enmity and ill motive of the local police. He has no concern with the alleged recovery of liquor nor vehicles 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 30.06.2023.

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

The petitioner is directed to deposit a sum of **Rs 5,000/- (Five 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 Basantpur P.S. Case No. 315 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 Court of Exclusive Special Excise Court No.I, Siwan.

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. Five thousand) by the petitioner in the
account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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