

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64656 of 2022

Arising Out of PS. Case No.-81 Year-2020 Thana- MASAUDHI District- Patna

Vinod Yadav @ Binod Prasad Son of Late Ganauri Prasad @ Ganauri Yadav R/O
Village- Badroi, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-03-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Masaurhi P.S. Case No. 81 of 2020 registered for the offences punishable under Sections 30(a) and 30(d) of Bihar Prohibition and Excise Act.

As per the prosecution, the police personnel on secret information raided the alleged place and recovered in total 205 litres of country made ‘mahua’ liquor and this petitioner alongwith other co-accused persons are alleged to be indulged in making and selling of illicit liquor.

The main submissions advanced by learned counsel for petitioner are that the petitioner was not apprehended at the spot from where the alleged wine was recovered his name transpired in the alleged commission of the occurrence in the disclosure made by the police chowkidar, the petitioner had no concern with the place from where the recovery of the alleged wine was made and he has been languishing in jail since 05.07.2022 and one similarly situated co-accused Satish Kumar @ Shashi Kumar has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 56230 of 2022 and against the petitioner the investigation has been completed.

Learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the petitioner's custody period and the privilege of bail having been granted to co-accused mentioned above and mainly the fact that the petitioner was not apprehended at the spot and the witnesses of the seizure are stated to be police officials, in my opinion, the petitioner deserves to the privilege of bail. 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 Masaurhi P.S. Case No. 81 of 2020.

(Shailendra Singh, J)

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