

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63203 of 2023

Arising Out of PS. Case No.-424 Year-2023 Thana- BARH District- Patna

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Bijo Yadav @ Vijay Yadav, (M), aged about 50 years, son of Raghu Yadav @
Ragho Yadav, resident of Gulab Bagh, P.S. - Barh, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Barh PS Case No.424 of 2023 dated 08.07.2023, instituted
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 40 litres country-
made liquor from the bamboo-clump situated near the mango
orchard.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is submitted that the petitioner has no concern either
with the alleged bamboo-clump or with the alleged seized wine.
It also submitted that nothing has been recovered from
conscious possession of the petitioner. The petitioner was not



arrested from the spot. Only on the basis of secret information the petitioner has been made accused in this case. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Barh, Patna, in Barh PS Case No.424 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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