

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61652 of 2023

Arising Out of PS. Case No.-243 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

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Laxman Yadav S/O Baldev Yadav R/O Village- Sohans, Ps. Patauna, Op.
Bisfi, Dist.Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, prosecution case relates to recovery of total 156 liters of illicit liquor from a Scorpio and the petitioner is said to have apprehended on spot.

4. 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. Petitioner has no concern with the alleged recovery of illicit liquor or with the vehicle in question. No any



incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that the seizure list witness are police official not a single independent witness which violates section 100 of Cr.P.C. Moreover, the petitioner is languishing in judicial custody since 15.7.2023. similarly situated co-accused Manish Kumar was already enlarged on bail vide order dt. 30.8.2023 passed in Cr. Misc. No. 56699 of 2023.

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

6. Considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Town P.S. Case No. 243 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 Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani.

(Sunil Kumar Panwar, J)

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