

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64171 of 2023

Arising Out of PS. Case No.-445 Year-2020 Thana- BAIRIYA District- West Champaran

Mukesh Yadav @ Mukesh Kumar Yadav Son Of Surendra Yadav @
Rameshvar Yadav Resident Of Village- Bargachiya, Ps- Bairiya, Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Raushan Raj, learned counsel appearing on
behalf of the petitioner and learned counsel for the Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bairiya P.S. Case No. 445 of 2020, registered for the
offences punishable under Section 30(a) of Bihar Prohibition &
Excise Act.

3. The police on a secret information regarding
paddling of illicit wine, intercepted a motorcycle, which was
allegedly driven by the petitioner. However, on noticing the
police, the accused persons succeeding in fleeing away, who
was recognized by the local Chowkidar. In course of search, total



51.840 litre of illicit liquor has been recovered.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the motorcycle in question nor with the recovered illicit wine. Barring the disclosure made by the local Chowkidar, there is no material showing the complicity of the petitioner in the present crime. He next submits that in fact on account of his past two criminal antecedents of identical nature, his name has been implicated in this case by local Chowkidar. Though during the course of investigation, no other incriminating material has been recovered from the whereabouts of the petitioner. He lastly submits that there are various other infirmities in the search and seizure. The petitioner undertakes that he will fully cooperate in the investigation or proceeding in the Court.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has no concern with the motorcycle from where the recovery has been made, coupled with the fact that the name of the petitioner has been transpired on the disclosure of the local Chowkidar, let the petitioner abovenamed be released on bail, in



the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Bettiah, West Champran in connection with Bairiya P.S. Case No. 445 of 2020, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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