

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62789 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- PHULWARIYA District- Gopalganj

SANTOSH YADAV Son of Parsuram Yadav R/o vill - Madarwani, P.S. -
Phulwariya, Distt. - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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 has prayed for bail in a case registered
for the offence punishable under sections 30(a) of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 44 litres of
country made liquor from two gunny bags on two motorcycles
bearing Reg No. BR29G8193 and UP52K5927 and two persons
namely, Janu Kumar Sah and Brajendra Kumar Yadav were
apprehended on spot, who disclosed the name of the petitioner
who managed to escape taking the benefit of dense bush.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has no concern with the alleged recovery or with the



vehicle in question. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 8.7.2023.

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

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge, Excise-1, Gopalganj in connection with Phulwariya P.S. Case No. 226 of 2023.

(Sunil Kumar Panwar, J)

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