

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65759 of 2022**

Arising Out of PS. Case No.-7 Year-2022 Thana- RAGHUNATHPUR District- Siwan

NAYAN YADAV @ KRISHNA YADAV S/o Late Suresh Yadav R/v- Rajpur,
P.S.- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Kumari Anupam, Advocate

For the Opposite Party/s : Mr Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Raghunathpur Police Station (for brevity, **PS**) Case No 7 of 2022 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

There is recovery of 63 liters of illicit liquor from two motorcycles.

Learned counsel submits that as a sequel to his earlier false implication in seven cases, he has been made accused in the instant case based on statement recorded during the course of investigation. There is no recovery from the petitioner. He has been arrested six months after the alleged occurrence with which he has no concern.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's



counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Excise Court No II, Siwan in Raghunathpur PS Case No 7 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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