

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72634 of 2023

Arising Out of PS. Case No.-283 Year-2023 Thana- SONO District- Jamui

VIKASH KUMAR YADAV @ VIKASH KUMAR S/O RAJ KUMAR
YADAV R/O- VILLAGE- GAMAHRIYA, P.S.- CHAKAI, DISTRICT-
JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under sections 272 and 273 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Prosecution case relates to recovery of total 2493
liters of foreign liquor from a Ashok Leyland vehicle and the
petitioner along with other co-accused apprehended was
apprehended on the spot as a driver and Khalashi.

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 case due to dirty
village politics. The petitioner has no concern with the alleged



recovery of liquor nor the vehicle in question belong to him. No any incriminating article has been recovered from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 24.11.2023 passed in Cr. Misc. No. 60689 of 2023. Petitioner is languishing in judicial custody since 13.08.2023.

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

6. 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 Exclusive Special Judge Excise-II, Jamui in connection with Sono P.S. Case No. 283 of 2023.

(Sunil Kumar Panwar, J)

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