

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72640 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- RAGHOPUR District- Supaul

SUNIL YADAV @ SUNIL KUMAR YADAV Son of Devu Yadav @ Debu
Yadav R/V- Tintoliya, Ward No. 10, P.S- Pratapganj, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Raghopur P.S. Case No. 186 of 2021 registered for the offences punishable under Sections 30(a), 38(I) and 41(I) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 702 litres of illicit Nepali liquor from a sack which was kept over the motorcycle in question and was standing in front of the hay house of one Ashok Yadav and when the said Ashok Yadav was apprehended by the police, he, upon interrogation, disclosed the name of his accomplices including that of the petitioner herein.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 17.08.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases but he is on bail in the said two cases. The learned counsel for the petitioner has also submitted that neither the petitioner has been apprehended from the spot nor any illicit liquor has been recovered from his possession and, moreover, the motorcycle in question also does not belong to the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the petitioner has been arrested from the spot nor any illicit liquor has been recovered



from his conscious possession, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Court No.-2, Supaul in connection with Raghopur P.S. Case No. 186 of 2021.

(Mohit Kumar Shah, J)

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