

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71158 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- ATRI District- Gaya

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MUNARIK YADAV @ MUNDARIKA YADAV S/O LATE GOPI YADAV
Resident of village- Chahal Murera, P.S.- Atri District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with Atri PS case no. 415 of 2021 instituted for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(a)(d) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 50 liters of illicit *mahua* liquor and 300 kg of *mahua* flower from river bank and it is alleged that the petitioner was one of the 09 accused persons who had fled away.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 27.06.2022. The learned counsel for the petitioner has further submitted that the



petitioner has been falsely implicated in the present case only since he is an accused in three more cases of similar type. It is also submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the place from where the same has been recovered, belongs to the petitioner nor he has been arrested from the spot, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned APP 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 parties 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 the conscious possession of the petitioner nor the place from where the illicit liquor has been recovered, belongs to the petitioner, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive



Special Excise Court 1, Gaya in connection with Atri PS case
no. 415 of 2021.

(Mohit Kumar Shah, J)

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