

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69806 of 2023**

Arising Out of PS. Case No.-148 Year-2020 Thana- HUSSAINGANJ District- Siwan

Ajeet Kumar Yadav @ Ajeet Kr. Yadav, Son of Late Yogendra Yadav @
Pahlawan, R/o vill - Gosopali, P.S. - Hussainganj, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Hussainganj P.S. Case No. 148 of 2020 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, police received secret information about the petitioner and his co-accused brother storing huge quantity of illicit liquor in their house. A raid was conducted and the co-accused Sanjeet Kumar Yadav was arrested who disclosed the name of the petitioner who fled away from the spot during raid. After search, total 234 litres of country made foreign liquor was recovered and the motorcycle used in



supply of liquor was also seized.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner transpired on the basis of confessional statement of co-accused. The petitioner does not reside with his brother in the said house. Petitioner has no concern with the seized liquor and the said motorcycle does not belong to this petitioner. The petitioner is in custody since 11.09.2023.

5. Learned APP opposes the prayer for bail submitting that recovery has been made from the house of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and further considering the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.01, Siwan/concerned court in connection with



Hussainganj P.S. Case No. 148 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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