

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74289 of 2022**

Arising Out of PS. Case No.-33 Year-2022 Thana- RAGHUNATHPUR District- Siwan

NAYAN YADAV @ KRISHNA YADAV Son of Late Suresh Yadav Resident
of Village- Rajpur, P.S.- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam
For the Opposite Party/s : Mr.Suresh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

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

The petitioner seeks regular bail in connection with Raghunathpur P.S. Case No. 33 of 2022, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 93.500 liters of illicit liquor from near the river bank and subsequently, the village chaukidar is stated to have disclosed the name of the persons, who are having complicity in the matter 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 16.8.2022. The learned counsel for the petitioner has further submitted that only because the petitioner is an accused in seven other similar type of cases, he has been made an accused in the present case, nonetheless, the fact is that no illicit liquor has been recovered from his conscious possession.

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 petitioner and taking into account the materials available on record as also considering the bad antecedent of the petitioner herein, though I am not inclined to grant bail to the petitioner at the moment, however, I deem it fit and proper to direct for release of the petitioner on bail, immediately upon framing of charges by the



learned trial court, subject to such conditions as may be deemed fit and proper to be imposed by the learned court of Exclusive Special Excise Court No. 2, Siwan in connection with Raghunathpur P.S.Case No. 33 of 2022.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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