

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72132 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- KHAJAULI District- Madhubani

BINOD YADAV @ BINOD KUMAR YADAV SON OF RAM KRIPAL
YADAV RESIDENT OF VILLAGE- KASHMA MARAR, P.S.- KHAJAULI,
DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Pushpa Sinha

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 G.R. No. 1837 of 2022 / Khajauli P.S. Case No. 186 of 2022, registered for the offence punishable under Section 420, 467, 468, 471, 120(B) of the Indian Penal Code and Sections 30(a)/32(1)(2)/41(1)(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 1240.200 liters of illicit liquor from a truck and when the driver, namely, Sanjay Kumar Yadav, was arrested, he 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 15.10.2022. The learned counsel for the petitioner has further submitted that only since the petitioner is an accused in three other similar type of cases, he has been falsely implicated in the present case, however, the fact is that neither the truck in question belongs to the petitioner nor any illicit liquor has been recovered from the conscious possession of the petitioner.

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 fact that neither the truck in question belongs to the



petitioner nor any illicit liquor has been recovered from the conscious possession of the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd cum Special Judge, Excise Act, Madhubani in connection with Khajauli P.S. Case No. 186 of 2022, corresponding to G.R.No. 1837 of 2022.

(Mohit Kumar Shah, J)

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