

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69141 of 2022**

Arising Out of PS. Case No.-407 Year-2022 Thana- KESARIA District- East Champaran

RAJ GURU PRASAD YADAV Son of Late Chirkut Rai R/v- Kushhar, P.S.-  
Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Mohammed Arif

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

2      08-02-2023      Heard the learned counsel for the petitioner  
and the learned APP for the State.

The petitioner seeks regular bail in connection with Kesariya P.S. Case No. 407 of 2022, registered for the offence punishable under Sections 30(a), 33, 36 and 41(i) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 400 liters of illicit raw spirit from the house of the petitioner.

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 17.10.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one other case, but he is on bail in the said case. The learned counsel for the petitioner has further submitted that the house in question is in joint possession of the petitioner and his family members, hence, the petitioner cannot be singled out for the alleged recovery made by the police.

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 period of incarceration of the petitioner herein, apart from the fact that the petitioner is having a fair antecedent, inasmuch as he is an accused only in one case in which he is on bail, 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 Special Judge Excise Court No. 2, Motihari, East Champaran in connection with Kesariya P.S. Case No. 407 of 2022.

**(Mohit Kumar Shah, J)**

Ajay/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

