

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69527 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- NATHNAGAR District- Bhagalpur

VIMAL YADAV Son of Mahadev Yadav Resident of Laxmanbagh Fulwariya,
P.S- Nathnagar (Madhusudanpur), Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhu Prasun, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 75 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 70 litres of illicit liquor from a garden/bush.

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 21.05.2022. The learned counsel for the petitioner has further



submitted that only since the petitioner is an accused in eleven other criminal cases, he has been made an accused in the present case, although the said cases are not under the provisions of the Bihar Prohibition and Excise Act, 2016. It is also submitted by the learned counsel for the petitioner, by referring to paragraph no.7 of the present petition, that the garden/bushes in question does not belong to the petitioner.

Per contra, the learned A.P.P. 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 the illicit liquor has not been recovered from the conscious possession of the petitioner and the petitioner has categorically stated in the present petition that he is not the owner of the garden from where the illicit liquor has been recovered, I deem it fit and proper to admit the petitioner to



the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Excise Court No.2-cum-A.D.J.-XII, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 75 of 2022.

(Mohit Kumar Shah, J)

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