

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72628 of 2022

Arising Out of PS. Case No.-252 Year-2018 Thana- RAXAUL District- East Champaran

Brijesh Yadav @ Videsh Kumar Yadav Son of Vishwanath Yadav Resident of
Village- Mahadewa, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 27-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Raxaul P.S. Case No. 252 of 2018 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016.

Allegedly, the petitioner along with other co-accused persons carrying Neapli wine, when chased by the police, fled away from the place of occurrence. It is further alleged that approximately 75.600 liters of Nepali wine and one bike were recovered from the place of occurrence.

The main submissions advanced by learned counsel for the petitioner are that though the petitioner is named in the FIR, the instant case is very old and he was in custody in the connection with another P.S. Case and even then he was not remanded in the present case and in the present matter the petitioner has been languishing in jail since 01.11.2022 and one co-accused has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 71854/2018 and the present matter relates to the recovery of 75.600 liters of Nepali wine and petitioner has no concern with the seized wine and motorcycle and he is not owner of the said motorcycle. Further submission is that against the petitioner there is a criminal antecedent of one case in which he is on bail.

Learned APP for the State has opposed the bail prayer.

Considering the facts, as stated above, and mainly the custody period of the petitioner and also the fact that one co-accused as mentioned above is on bail, in my view it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Raxaul P.S. Case No. 252 of 2018.

(Shailendra Singh, J)

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