

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71173 of 2022

Arising Out of PS. Case No.-323 Year-2022 Thana- JAYNAGAR District- Madhubani

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FEKAN YADAV @ SHAILENDRA YADAV SON OF JAYJAY RAM
YADAV R/O VILLAGE- KORAHYA NAV TOLI, P.S.- JAYNAGAR,
DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

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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 Jaynagar PS case no. 323 of 2022 instituted for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

It is alleged that upon search, 510 liters of illicit Nepali liquor was recovered from the bushes situated in the orchard in front of the house of the petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 15.10.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in one other case but he is on bail in the said



case. It is also submitted that the petitioner has been falsely implicated in the present case, inasmuch as no illicit liquor has been recovered either from the conscious possession of the petitioner or from within the house.

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 parties and taking into account the materials available on record as also considering the fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from his house, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Sessions Judge II-cum-Special Judge, Excise Act, Madhubani in connection with Jaynagar PS case no. 323 of 2022.

(Mohit Kumar Shah, J)

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