

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73657 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- FULKAHA District- Araria

SHANKAR YADAV S/O UPENDRA YADAV @ UPEN YADAV VILLAGE-
MANIKPUR, WARD NO. 10, PS. FULKAHA, DIST. ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Fulkaha P.S. Case no.80 of 2023 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, out of the two accused persons, while one of the accused managed to escape, it is stated that coaccused Subhash Kumar Yadav was arrested and 54 litres of illicit liquor was recovered. He disclosed that the person who managed to escape was the petitioner herein.

4. It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. The cause of his false implication is his antecedent.



He is in custody since 16.7.2023 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR, the petitioner not having been arrested at the spot, no incriminating article having been recovered from his possession, his being in custody since 16.7.2023 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Fulkaha P.S. Case no. 80 of 2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Araria.

(Partha Sarthy, J)

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