

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72189 of 2022**

Arising Out of PS. Case No.-46 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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KUSH YADAV SON OF LATE KULANAND YADAV R/O VILL.- MILKI
DUMARIYA BHANGHI, P.S.- FULKAHA, DISTT.- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Forbesganj Circle Excise Case No.
46 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Excise Prohibition
(Amendment) Act, 2018.

The case of the prosecution, in brief,
according to the informant is that on 06.11.2021 at
01:45 P.M. the informant got secret information
that some illicit articles are being ferried on a
vehicle, whereupon the informant along with his
police force, at around 3:00 o'clock in the
afternoon, had intercepted a car coming from



Nepal side and upon search 1065 litres of illicit liquor was recovered, whereupon the driver of the said vehicle was interrogated and he disclosed the name of his accomplices including that of the petitioner herein.

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 29.09.2022. The learned counsel for the petitioner has further submitted that neither the vehicle in question belongs to the petitioner nor the petitioner has been apprehended from the spot nor any illicit liquor has been recovered from 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 neither any illicit liquor has been recovered



from the petitioner nor he has been arrested from the spot, 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 Exclusive Special Judge, Excise-IIInd, Araria in connection with Forbesganj Circle Excise Case No. 46 of 2021 (Special Case No. 135 of 2022).

(Mohit Kumar Shah, J)

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