

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77954 of 2023

Arising Out of PS. Case No.-174 Year-2019 Thana- LADANIA District- Madhubani

Laxman Kumar Yadav @ Laxman Yadav S/O Rajlal Yadav Village- Yogia,
PS. Ladniya, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ladaniya P.S. Case No. 174 of 2019 instituted for the offences
under Sections 272, 273/34 of the Indian Penal Code and
Section 30(a) of the Bihar Excise Prohibition Act.

3. As per allegation made in the F.I.R., the police has
recovered 159 liters of Nepali liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The name of the petitioner has been transpired on
the basis of the disclosure made by the local Chaukidar and
except this, no cogent material has come during investigation



against the petitioner. It is further submitted that the recovery of illicit liquor has been made from the paddy field and the same does not belong to the petitioner. It is also submitted that the petitioner has no concern with the seized article or with the other co-accused persons. The petitioner has altogether six criminal antecedents out of which in two of the cases, he is on bail. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 Cr.P.C. and no case, whatsoever, is made out against the petitioner under the Bihar Prohibition and Excise Act.

5. Learned counsel for the petitioner submits that the co-accused Lakshman Yadav @ Lakshman Kumar Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 28.11.2022 passed in Cr. Misc. No. 59207 of 2022.

6. The petitioner is in custody since 08.09.2023.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the aforesaid facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ladaniya P.S. case No. 174 of 2019, subject to the condition that if the petitioner repeats the same offence in future, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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