

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75296 of 2022

Arising Out of PS. Case No.-106 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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SHANKAR YADAV @ SHANKAR PRASAD YADAV S/o Late Bhumi
Yadav R/v- Chhoti Bandehra, P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 30(a) of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 951.435
litres of IMFl and 26 litres of Codeine Phosphate &
Chlorpheniranine Maleate syrup from a hut situated near the
house of the petitioner. Two persons were apprehended on spot
who disclosed the name of the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. He has no concern



with the alleged recovery or with the place of occurrence. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Similarly situated other co-accused persons have already been granted bail vide order dated 19.11.2022 passed in Cr. Misc. No. 57083 of 2022. He is languishing in judicial custody since 25.07.2022.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, 2nd Khagaria in connection with Excise P.S. Case No. 106C3 of 2020.

(Sunil Kumar Panwar, J)

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