

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78206 of 2023**

Arising Out of PS. Case No.-174 Year-2023 Thana- JAYNAGAR District- Madhubani

LAXMAN KUMAR YADAV @ LAXMAN YADAV SON OF RAJLAL
YADAV RESIDENT OF VILLAGE - YOGIA, P.S. - LADNIYA, DISTRICT -
MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 272, 273, 414, 34 of the IPC and Sections 30(a), 41 of the Bihar Prohibition and Excise Act and Section 26(1-b)a, 26, 35 of the Arms Act.

3. As per FIR, prosecution case relates to recovery of 379.12 liters illicit liquor from a Scorpio and name of the petitioner dragged in this case upon confession of co-accused.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this



present case merely on the basis of confessional statement of co-accused. The petitioner has no concern with the alleged recovery and he was also not apprehended from the place of recovery. No any incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that Section 100 and 101 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioner is languishing in judicial custody since 23.08.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jaynagar P.S. Case No. 174 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II-cum Special Judge Excise Act, Madhubani.

(Sunil Kumar Panwar, J)

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