

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5212 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Akash Yadav Son Of Om Prakash Yadav R/O-Khem Matihania, P.S.-
Vishambharpur, Distt.-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. 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.

3. As per allegation in the FIR, three persons on a motorcycle were going to the way of Kala Mathihaniya Bandh and police signaled them to stop but they started to fleeing away after throwing a bag. Accused persons managed to escape and on search 36 litres illicit liquor was recovered from the bag, which was thrown by the accused persons. Local persons have disclosed the name of the fled persons as of the accused and thereafter FIR was registered.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery. The name of the petitioner has been disclosed in this case by the local villagers before the police, which is inadmissible in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 4.11.2023.

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

6. 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 Excise Court No. II, Gopalganj in connection with Vishambharpur P.S. Case No. 70 of 2023.

(Sunil Kumar Panwar, J)

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