

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9924 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- JAIPUR District- Banka

Nageshwar Yadav Son Of Nand Kishore Yadav @ Nankesar Yadav R/O-Siho,
P.S.-BANKA, Distt.-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate
For the State : Mr. Tarkeshwar Nath Thakur, APP

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

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Special
Excise No. 693 of 2023, arising out of Jaipur PS Case No. 93 of
2023 instituted for the offence under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is recovery of total
340.20 liters of illicit foreign liquor from Scorpio.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 02-12-2023. Petitioner is
stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Petitioner has no concern with the alleged recovered liquor. Petitioner is the driver of the vehicle in question. Petitioner was oblivious of the fact that illicit liquor was laden on the vehicle. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and manner of implication, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Special Excise No. 693 of 2023, arising out of Jaipur PS Case No. 93 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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