

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8162 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- MADHEPUR District- Madhubani

Mahesh Kumar Yadav, (male), aged about 36 years, S/O Late Ramdhin Yadav
@ Late Ramadhin Yadav R/O Village- Phulparas, Ward No.-9, P.S- Phulparas,
Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate.

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

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

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Madhepur P.S. Case No. 296 of 2023 instituted for the offence
under Sections 272, 273 read with 34 of the Indian Penal Code
and 30(a) and 47 of the Bihar Prohibition and Excise
Amendment Act, 2018.

3. As per the prosecution case, tottal 139.500 litres of
illicit Nepali liquor was recovered from a car bearing
Registration No. BR-07AK-5718.

4. It has been submitted on behalf of the petitioner's
counsel that the petitioner is in custody since 30.11.2023.
Petitioner has no criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is further submitted that petitioner was not at the place of occurrence where the incident took place nor was apprehended at the place of occurrence. It is further submitted that the petitioner is not the owner of the said vehicle. No recovery was made from the conscious possession of the petitioner. There is no compliance of Section 100 of Cr.P.C.

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 and period of custody of the petitioner, 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 Madhepur P.S. Case No. 296 of 2023.

(Rudra Prakash Mishra, J)

Nilmani/-

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