

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15683 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- KOTWA District- East Champaran

Dadan Kumar Yadav @ Dadan Yadav Son of Rajdeo Yadav @ Rajdev Yadav
R/o Village- Bhopatpur, P.S.- Kotwa (Bhopatpur O.P.), District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kotwa (Bhopatpur O.P.)
P.S. Case No. 299 of 2023, instituted for the offences punishable
under Sections 30(a), 32 and 41(i) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 680 liters
spirit was recovered from bamboo orchard and poultry farm of
co-accused Mithilesh Yadav.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. No
incriminating material has been recovered from the conscious
possession of the petitioner. The petitioner has got no concern



with the alleged recovery of liquor. Name of the petitioner was disclosed by chowkidar and villagers. The petitioner is in custody since 29.12.2023 and has got two criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 31.10.2023 passed in Cr. Misc. No. 67548 of 2023. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwa (Bhopatpur O.P.) P.S. Case No. 299 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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