

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36528 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- NAWANAGAR District- Buxar

Birendra Yadav @ Virendra Singh Son of Gudani Yadav R/O Vill.- Giridhar
Baraon, P.S.- Nawanagar (Sonbarsa O.P.), Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Nawanagar (Sonbarsa O.P.) P.S. Case No. 107 of 2024, instituted for the offences punishable under Sections 30(a), 30(c), 30(d), 36 and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 500 liters spirit along with other articles which is used for manufacturing liquor was recovered from the house of Manoj Yadav. The petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and 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 spirit. It is further submitted that the house in question does not belong to the petitioner. The petitioner was a passerby of that way and was arrested on the basis of suspicion. The petitioner is in custody since 01.04.2024 and has got no criminal antecedent. 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 Nawanagar (Sonbarsa O.P.) P.S. Case No. 107 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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