

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39115 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- NAUTAN District- West Champaran

Naresh Yadav Son Of Devnand Yadav @ Dewan Yadav Resident Of Village -
Shyampur, Kotraha Ward No. 08, P.S. - Nautan, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nautan P.S. Case No. 151 of 2024, lodged on 13.04.2024 under
Sections 30(a)/ 41(1) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per the prosecution case, FIR has been lodged
against the present petitioner and on his statement, total 88.20
litres of illicit liquor has been recovered which is the subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that from the contents of the FIR, it is very much
clear that the illicit liquor has not been made from the
petitioner's possession, rather, the said recovery has been made
on his statement. Counsel further submits that the criminal



antecedent of the petitioner is not clean and there is one criminal case pending against him which is not of excise matter, in which he is on bail. The petitioner is in custody since 14.04.2024 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that though the recovery of illicit liquor has not been made from the petitioner's possession, but the said recovery has been made from his confession. Therefore, his role cannot be discarded in commission of the crime.

6. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-I, Bettiah, West Champaran in connection with Nautan P.S. Case No. 151 of 2024, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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