

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55549 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Shesh Nath Yadav Son Of Dharmdev Yadav Resident Of Village - Manikpur,
P.S. - Simri, District – Buxar Petitioner/S

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Adv
For the Opposite Party/s : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Buxar Industrial Area P.S. Case No. 132 of 2024 dated 21.06.2024 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 513.5 litres of illicit foreign liquor was recovered near the *Scorpio car*.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not the owner of the said vehicle and the same was not driven by him at the time of the alleged recovery. The petitioner is Bihar Home Guard. The name of the petitioner was disclosed by the apprehended co-accused person.



Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 29.07.2024 passed in Cr. Misc. No. 53889 of 2024. The petitioner has no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 22.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioner and the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Buxar, in connection with Buxar Industrial Area P.S. Case No. 132 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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