

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62740 of 2024

Arising Out of PS. Case No.-412 Year-2023 Thana- MIRGANJ District- Gopalganj

Vikash Yadav @ Vikash Kumar, Male, aged about 25 years, Son of Hari Shankar Yadav, Resident of village- Narkatiya, P.S.- Nautan District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 18-10-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Mirganj P.S. Case No.412 of 2023 registered for the offence under Sections 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 284.40 litres of illicit liquor from two motorcycles.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case, where, petitioner was not arrest at spot. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner



rather the same was recovered from motorcycles standing in a bush at open place. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is in custody since 28.06.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-IV-cum-Exclusive Spl. Excise Court-II, Gopalganj vide order dated 31.07.2024, it appears that the name of the petitioner surfaced only on the basis of one motorcycle, which belong to the petitioner. Similarly situated co-accused persons namely Sonu Singh has been granted bail by this Court in Cr. Misc. No. 11717 of 2024 vide order dated 23.02.2024, so considering the facts and circumstances of the case and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, in connection with Mirganj P.S. Case No.412 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and



Sessions Judge-IV-cum-Exclusive Special Excise Court No.II,
Gopalganj.

(Ramesh Chand Malviya, J)

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