

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74554 of 2023

Arising Out of PS. Case No.-137 Year-2019 Thana- NAUTAN District- West Champaran

Molayam Yadav @ Mulayam Yadav, son of Indal Yadav R/O- Budhwaliya,
P.S.- Nautan, Bettiah, District- West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishal Prasad

For the Opposite Party/s : Ms.Nirmala Kumari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(A) of the Excise Act and Sections 147, 148, 149,
341, 323, 353 and 307 of the I.P.C.

3. The learned counsel for the petitioner submits
that the petitioner is a person with clean antecedent and the
allegation is of recovery of 15 litres of liquor from the
courtyard of Indal Yadav and 8.460 litres of liquor from a
motorcycle.

4. The learned counsel for the petitioner submits



that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated being son of Indal Yadav. It is also submitted that after 2018 Amendment in the Excise Law, the concept of deemed possession and presumed offender has been done away with. It is further submitted that since liquor was recovered from the house of his father, as such, the police falsely implicated him alleging that the petitioner along with others tried to create ruckus for freeing the accused. It is also submitted that though the informant alleges that the accused persons including the petitioner assaulted the police, but then, the allegations are general land omnibus in nature and no one was injured.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 500/- (Rupees Five Hundred) with two sureties of the



like amount each to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P. S. Case No.137 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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