

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75971 of 2024

Arising Out of PS. Case No.-100 Year-2023 Thana- MAINATAND District- West Champaran

Hiralal Yadav Son of Late Vidhayasagar Yadav @ Late Vidhyasagar Yadav
Resident of Village - Gouripur, P.S. - Balthar, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

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

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Mainatand P.S. Case No. 100 of 2023 instituted for the offences under Sections 279, 337, 414, 34 of the Indian Penal Code, Section 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016 and Section 37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, the police has recovered 336 liters of illegal liquor from the vehicle (Swift Car).

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



The petitioner is not named in the F.I.R. and is made accused in this case only on the basis of confessional statement of the co-accused. The petitioner was neither apprehended on the spot nor anything incriminating has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits though the petitioner had purchased the vehicle, in question, from one Bholi Tiwari @ Golu but, later on, the petitioner sold the same to one Pintu Kumar S/o Rajendra Prasad. Thus, at the time of occurrence, the petitioner was not the owner of the alleged vehicle. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents in which he is on bail and is languishing in judicial custody since 12.08.2024 without any rhymes or reason. Charge-sheet has been submitted in this case under Sections 279, 337, 427, 34 of the I.P.C. and Section 30(a), 37 and 45 of the Bihar Prohibition and Excise Act.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner,
let the petitioner, abovenamed, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten thousand) with two sureties of
the like amount each to the satisfaction of Court
below/concerned Court in connection with Mainatand P.S. Case
No. 100 of 2023.

(Rudra Prakash Mishra, J)

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