

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77599 of 2024

Arising Out of PS. Case No.-238 Year-2016 Thana- HASANPUR District- Samastipur

Video Yadav @ BDO Yadav @ Harishankar Yadav S/O Ramadhar Yadav R/O
Vill.- Kubotan (Jhajhra), P.S - Kusheshwara Sthan , Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2024 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Hasanpur P.S. Case No. 238 of 2016 for the offence punishable
under Section 47(A) of Bihar Prohibition and Excise Act, 2022.

3. The allegation is regarding recovery of 73.440 litres
of illicit liquor from the field of one Late Bindeshwari Mukhlya.

4. The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and is languishing in
custody since 06.09.2024. The learned counsel for the petitioner
has further submitted that neither any illicit liquor has been
recovered from the possession of the petitioner nor the field
from where the same has been recovered, belongs to the
petitioner and the petitioner has been falsely implicated in the



present case merely on the basis of the confessional statement of the co-accused person, namely Kishan Kumar, who has already been granted the privilege of regular bail by this Court, vide order dated 09.12.2021, passed in Cr. Misc. No.29636 of 2021.

5. Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent and the illicit liquor has not been recovered from the field of the petitioner but from the field of one Late Bindeshwari Mukhiya, I deem it fit and proper to direct for release of the petitioner on regular bail.

7. Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge (Excise)-I, Samastipur, in connection with Hasanpur P.S. Case No. 238 of 2016.

(Mohit Kumar Shah, J)

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