

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77328 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- NAWANAGAR District- Buxar

Loha Yadav @ Abhay Singh @ Loha Singh S/O Gupteshwar Singh Resident
of Village-Masarhiya, P.S. Murar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

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

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

ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Buxar Nawanganar P.S.
Case No. 107 of 2024, instituted for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 500 liters
spirit along with other articles which is used for manufacturing
liquor was recovered from the house of Manoj Yadav.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The name of the
petitioner transpired in this case on the basis of confessional
statement of co-accused Chandan Kumar. The petitioner has got
no concern with the alleged recovery of spirit. The recovery of



liquor has been made from the house of Manoj Yadav. The petitioner is in custody since 10.09.2024 and has got twenty-one criminal antecedent. There is no compliance of Section 100 of Cr.P.C. The co-accused person has already been granted bail by this Bench vide order dated 15.05.2024 passed in Cr. Misc. No. 36528 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar Nawanagar P.S. Case No. 107 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

