

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83320 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- BIHIA District- Bhojpur

Prakash Yadav @ Prakash Kumar Son Of Bijay Yadav Resident Of Village -
Budhnabir, P.S. - Bihiya, District - Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 30(a), of the Bihar Prohibition and Excise Act.

3. As per FIR, prosecution case relates to recovery of 200 liters country made liquor from a motorcycle and a tempo respectively and the petitioner and co-accused persons were also apprehended on the spot.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. The petitioner has no concern with the alleged



recovery and he is implied as driver of the aforementioned Tempo. Nothing incriminating has been recovered from the conscious possession of the petitioner. He has got no criminal antecedent. Moreover, he is languishing in judicial custody since 24.09.2023. Similarly situated co-accused Vikash Yadav @ Vikash Kumar has already been granted bail vide order dated 05.12.2023, passed in Cr. Misc. No. 77248 of 2023 by this Court.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bihiya P.S. Case No. 235 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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

