

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81746 of 2024

Arising Out of PS. Case No.-297 Year-2024 Thana- DURAULI District- Siwan

Kanchan Yadav Son of Late Rajdev Yadav Resident of village-Belwan, PS-Darauli, Dist -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : MS.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Darauli P.S. case No. 297 of 2024 instituted for the offences under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 140 liters liquor was recovered from plastic sack near a pokhra.

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 petitioner has got no concern with the alleged recovery of liquor. It is further submitted that recovery is made from an open place



which is accessible to one and all. The petitioner is in custody since 22.09.2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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 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 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 Darauli P.S. case No. 297 of 2024.

(Rudra Prakash Mishra, J)

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