

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81890 of 2023

Arising Out of PS. Case No.-209 Year-2023 Thana- BENIPATTI District- Madhubani

Phiran Yadav S/O Shiphail Yadav @ Shiphait Yadav R/O Village- Borma, P.S-
Ghanshyampur, Distt.- Darbhanga.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail registered under sections 272, 273 of the Indian Penal Code and Section 30(a), of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 90 liter illegal Nepali made liquor from the motorcycle of the petitioner and he was also apprehended on the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner and he has no



concern with the seized illicit liquor. It is also submitted that the petitioner is not the owner of the said vehicle. There is no independent witness of the seizure list. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 12.09.2023.

The application for bail is opposed by learned APP for the State and submitted that the petitioner has been arrested on spot with the said vehicle by the police where the recovery has been made.

The petitioner being driver of the alleged motorcycle is directed to deposit a sum of Rs. 10,000/- (Rs. Ten Thousand) in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Benipati P.S. Case No. 209 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum Special Judge, Excise, Madhubani.



The bail bonds of the petitioner shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten Thousand) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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