

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86136 of 2023

Arising Out of PS. Case No.-321 Year-2023 Thana- KEWATI District- Darbhanga

1. Shyam Nath Yadav Son of Bhogendra Yadav @ Bhagindra Yadav Resident of Village- Maheshpatti, P.S.- Keoti, District- Darbhanga
2. Lalit Yadav Son of Fakir Mahto @ Shahenshah Resident of Village- Maheshpatti, P.S. Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of total 96.300 liters of illegal *Nepali* liquor from a sack.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. Petitioners were not apprehended on spot. The name of the petitioners has come into light, on the basis of disclosure by local villagers. He submitted that the



petitioners have no concern with the seized liquor. Nothing incriminating article has been recovered from the conscious possession of these petitioners. The provision of Section 100 of the Cr.P.C. has not been followed in this case, while preparing the seizure list. They are languishing in judicial custody since 02.11.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Special Judge-1st (Excise Act), Darbhanga in connection with Kewati P.S. Case No. 321 of 2023.

(Sunil Kumar Panwar, J)

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