

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66858 of 2024

Arising Out of PS. Case No.-98 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

Nago @ Nageshwar Yadav, aged about 42 years, Male, Son of Banarshi Yadav, Resident of Village- Kathara, P.S- Piri Bazar, District.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Piri Bazar P.S. Case No. 98 of 2021 registered for the offences punishable under Sections 272, 273/34 of the I.P.C and 30(a)(b) (c) Bihar Prohibition and Excise Amendment Act 2018.

3. As per allegation in the FIR, total 100 litre Mahua country made liquor and 1000 litres Java Mahua recovered from the field of Mung of Anandi Yadav.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that no recovery from the conscious possession of the petitioner and petitioner is not arrested on the spot. It is next



submitted that recovery is made from an open place which is accessible to anyone. It is submitted that on perusal of the seizure list there are no independent witnesses. It is also submitted that petitioner is in judicial custody since 22.07.2024 having got clean antecedent as stated in para 3 of the petition.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner and similarly situated co-accused person namely Bikash Kumar in Cr. Misc. No. 8746 of 2024 vide order dated 20.02.2024 has been granted bail by this Court, let the above named 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 learned Additional District and Sessions Judge- II- cum Special Judge Excise, Lakhisarai in connection with Piri Bazar P.S Case No. 98 of 2021.

(Ramesh Chand Malviya, J)

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