

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36753 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- BAHERI District- Darbhanga

RAMCHANDRA YADAV, Male, aged about 56 year, Son of Dhanai Yadav,
Resident of Village - Khudi Pakar, P.S.- Basantpur, District- Siwan
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Jagannath Singh, Adv.
For the Opposite Party : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-06-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since 05.03.2019 in connection with Baheri P.S. Case No. 40 of 2019/G.O. Case No. 202 of 2019 for the offences alleged under Sections 420, 467, 468 and 120B of the Indian Penal Code and under Section 30(a) and 35 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant, police personnel, is that on secret information that large quantity of illicit liquor is being transported by trucks and cars, the police intercepted the santro car and apprehended two persons in the car named Raja Babu Kumar and Manoj Kumar Singh. Another truck was intercepted and huge quantity of liquor was seized and other co-accused, Md. Danish, Krishna and Vikash Kumar were apprehended, thereafter, the truck driven by the petitioner



was intercepted and the petitioner along with co-accused, Bipin Kumar Mandal, were apprehended. On search, from the trucks and cars 299 cartons of illicit liquor, about 3100 of foreign liquor, were recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and all the co-accused apprehended in the said raid have already been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 32616 of 2019, dated 16.05.2019, and Cr. Misc. No. 33292 of 2019, dated 20.05.2019. It has, further, been submitted that the co-accused apprehended along with the petitioner has also been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 34685 of 2019, dated 28.05.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner was a driver of the said truck.

Considering the facts and circumstances and the materials on record and that nothing has been recovered from the conscious physical possession of the petitioner, other co-accused, who have been apprehended in the said raid from other



truck and car, have been released on bail together with the statement made in paragraph 3 that the petitioner does not bear any criminal antecedent coupled with the fact that the truck is not registered in the name of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Baheri P.S. Case No. 40 of 2019/G.O. Case No. 202 of 2019 to the satisfaction of the learned Additional District Judge V-cum-Special Judge, Excise Act, Darbhanga, or the successor Court.

(Nilu Agrawal, J)

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