

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42162 of 2019

Arising Out of PS. Case No.-374 Year-2018 Thana- DHAKA District- East Champaran

RAKESH YADAV, aged about 35 years (M), Son of Jagarnath Yadav @ Jagarnath Rai @ Jagarnath Kapar, Resident of village- Mahangua, P.S.- Kundwa Chainpur, District- East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma, Advocate.
For the Opposite Party : Mr.Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 29.04.2019 in a case for the offence registered under Sections 414 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the informant apprehended one co-accused Santosh Prasad Yadav and recovered 963 liters wine from a theft Bolero vehicle. Santosh Prasad Yadav disclosed the name of other co-accused Yogendra Singh, Pramod Singh and Rakesh Yadav (petitioner).

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the



present case. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 963 liters wine is recovered from a theft Bolero vehicle. The name of the petitioner has come on the basis of confessional statement of co-accused Santosh Prasad Yadav. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Special Judge, Excise, Motihari, East Champaran, in connection with Dhaka (Pachpakari) P.S. Case No. 374 of 2018.

(Sudhir Singh, J)

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