

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83125 of 2019**

Arising Out of PS. Case No.-169 Year-2019 Thana- ROSERA District- Samastipur

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Rajesh Yadav @ Rajesh Kumar Ranjan Son of Bindeshwar Yadav @ Bindeshwari Prasad Yadav @ Mangal Yadav @ Vindeshwar Yadav Resident of Village- Mahuli (Bholi Tole) , P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhubneshwar Prasad

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      18-12-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has filed the instant application for grant of bail in a case registered for the offence under sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016

As per the allegation in the FIR, 8 litres of IMFL is said to have been recovered from a Bansbari from where two persons are said to have escaped, one being the petitioner while the other was identified as Amarnath Yadav.

It is submitted by learned senior counsel for the petitioner that no recovery as alleged has taken place, the petitioner has no concern either with the recovered article or



with the Bansbari, he is in custody since 23.10.2019 and has no criminal antecedent. It is further submitted that co-accused Amar Nath Yadav has been enlarged on bail by order dated 2.12.2019 passed in Cr. Misc. No. 78287 of 2019.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including that the petitioner has no concern either with the so-called Bansbari or with the recovered article, grant of bail to the co-accused and the petitioner having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur in connection with Rosera P.S. Case No. 169 of 2019.

**(Partha Sarthy, J)**

Prakash/-

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