

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4997 of 2020

Arising Out of PS. Case No.-241 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

RAJ KUMAR YADAV, Son of Jagdish Yadav Resident of Village - Nima,
P.S.- Ghanshyampur, Distt - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 10-06-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with G.O Case No. 1287 of 2019, arising out of Ghanshyampur P.S. Case No. 241 of 2019, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving information about unloading the liquor in village-Nima, the informant along with other Police personnel reached at village-Nima and started to watch vehicle. After short interval, sound of vehicle was heard then informant and other Police personnel reached there and saw a white colour pick-up van in standing position near the bridge. On seeing the Police party, some persons tried to flee away, but, on chase, one person was apprehended, while



two persons succeeded to flee away. The apprehended person disclosed his name Md. Ramjan of village-Nima and he also disclosed the name of Raj Kumar Yadav (Petitioner), but he was unable to disclose the name of another person, who succeeded to flee away. Thereafter, the parents of caught hold person Md. Ramjan were called, who used to reside separate near that place. On search of straw house of Md. Ramjan, 20 cartons total 480 bottles, each containing 375 ML, Indian made foreign liquor recovered and 26 cartons total 626 bottles of 375 ML Indian made foreign liquor recovered from Pick-up van bearing Registration No. WB59C-2100. The apprehended person disclosed that petitioner had handed over him the cartons of liquor and in course of unloading, he succeeded to flee away.

Learned counsel for the petitioner submits that the petitioner was not apprehended on the spot, rather, his name surfaced in the confessional statement of co-accused Md. Ramjan and from whose straw house, 20 cartons total 480 bottles, each containing 375 ML, Indian made foreign liquor are said to be recovered. Further submission is that petitioner has no criminal antecedent and he has falsely been implicated in this case due to dirty village politics.



Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge (Excise), Darbhanga in connection with G.O. Case No. 1287 of 2019, arising out of Ghanshyampur P.S. Case No. 241 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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