

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17074 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- RAGHUNATHPUR District- Siwan

Rajkishore Yadav Son of Shivpujan Yadav R/o Village- Mirjapur, P.S. -
Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 30(a), 38 and 41 of Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

The prosecution case, as per the self statement of S.I., Abhimanyu Kumar, SHO, Raghunathpur P.S. recorded on 10.06.2019 at 11.40 A.M., is to the effect that on the same day, a confidential information was received that some persons are transporting liquor and during vehicle check, a truck was



intercepted and from truck in question altogether 3888 litres of Indian Made Foreign Liquor were recovered and on seeing the police party some persons escaped from the scene but on chase being made, the driver of the truck in question Jakir Hussain was apprehended. He disclosed the name of other several persons who escaped from the scene, including the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the place of seizure and he has no concern with the truck in question, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That as per prosecution case 3888 ltr of foreign liquor from the truck and the truck bearing Reg. No. UP-25-DT2465 not belongs to the petitioner.”

It is further submitted that co-accused Jakir Hussain, on whose confession, the name of the petitioner sprang up, has been granted bail by Co-ordinate bench of this Court vide Cr. Misc. No. 52979 of 2019 while other co-accused Subhash Yadav, Pradeep Kumar Singh and Vinod Kumar Singh, whose name sprang up on the statement of apprehended co-accused Jakir Hussain, driver of the truck in question, have been granted anticipatory bail vide Cr. Misc. Nos. 61967 of 2019 and 63791



of 2019 The petitioner is languishing in custody since 02.01.2020 and investigation has already been concluded. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner found to have escaped from the scene on arrival of police.

Considering the fact that co-accused Jakir Hussain, driver of the truck in question, has been granted bail by a Co-ordinate bench of this Court, investigation has already been concluded and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge 2nd -cum- Special Judge (Excise), Siwan in connection with Raghunathpur P.S. Case No. 102 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned



through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd -cum- Special Judge (Excise), Siwan in connection with Raghunathpur P.S. Case No. 102 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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