

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25639 of 2020

Arising Out of PS. Case No.-68 Year-2020 Thana- PHULWARIYA District- Gopalganj

RITESH YADAV S/o Sugriv Yadav @ Shivji Yadav Resident of Village-
Harkhauli, P.S.-Mirganj, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-09-2020 Heard Mr. Vyas Kumar Mishra , learned counsel for
the petitioner and Mr. Binod Kumar No.3, learned Additional
Public Prosecutor appearing for the State through video
conferencing.

Petitioner seeks regular bail in connection with
Phulwariya P.S. Case No. 68 of 2020 registered for the offence
punishable under Section 30(a) / 32 (2) / 41 (1) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The allegation against the petitioner as per the First
Information Report is that Police intercepted a silver colour
Hyundai Car and upon seeing the Police party, persons sitting on
the Car started fleeing away, however, upon chase, Police
arrested one namely, Binod Kumar Singh and two persons
succeeded in fleeing away. It has further been alleged that the



arrested accused person disclosed the name of the petitioner and one another Nitesh Yadav and a total quantity of 105.06 liters of illicit liquor has been recovered from the dickey of the Car in question.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive. Learned counsel referring to paragraph no. 9 of the petition submits that petitioner is not the owner of the Car in question and he has been dragged in this case on the basis of statement made by the arrested co-accused. Learned counsel further submits that the arrested co-accused has been granted bail by this court in Cr. Misc. No. 21028 of 2020 by order dated 26.06.2020 and the petitioner is in custody since 17.06.2020.

Having regard to the submissions made by the parties, taking into consideration the material available on record, the fact that petitioner has got no criminal antecedent, he is in custody since 17.06.2020 and similarly situated accused has been granted bail by this court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District and Sessions Judge –
II – cum – Special Judge Excise, Gopalganj / court concerned
in connection with Phulwariya P.S. Case No. 68 of 2020.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding
lockdown and social distancing

(Anil Kumar Sinha, J)

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