

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25626 of 2020

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

NITESH YADAV S/o Haresh Yadav Resident of Village-Bhagwan Tola, P.S.-
Uchkagaon, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-09-2020 Heard Mr. Vyas Kumar Mishra, learned counsel for

the petitioner and Mr. Arun Kumar Pandey, 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 Sections 30(a), 32(2), 41(1) of the Bihar

Prohibition and Excise Act, 2016.

The allegation against the petitioner as per the First

Information Report is that the Police intercepted a silver colour

Hyundai Car and upon seeing the Police party, persons sitting in

the Car started fleeing away, however, upon chase, Police

arrested one person 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 another Ritesh Yadav and a total quantity of 105.06 litres 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 this 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 persons have been granted bail by a co-ordinate Bench of this Court vide order dated 26.06.2020 passed in Cr. Misc. 21028 of 2020 and order dated 28.09.2020 passed by this Court in Cr. Misc.25639 of 2020 respectively. The petitioner is in custody since 17.06.2020.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that petitioner has got no criminal antecedent, he is in custody since 17.06.2020 and similarly situated co-accused persons have been granted bail by this Court as well as co-ordinate Bench of 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 bonds 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, 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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