

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31274 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- RISIYAP District- Aurangabad

BIKASH YADAV, Male, 24 years, Son of Sanjay Singh, Resident of Village -
Diliyan, P.S.- Tarari, District – Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bindeshwar Prasad Singh, Advocate.
For the Opposite Party : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

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

The petitioner seeks bail in a case for the offence
registered under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.



The prosecution story, in brief, is that total 260.4 liters wine is said to have been recovered from Bolero vehicle in question.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 21.06.2020 and has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 260.4 liters wine is recovered from the Bolero vehicle in question. The petitioner is alleged to be the driver of the Bolero vehicle. He had no knowledge regarding the nature of goods kept in the vehicle in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of
the learned Special Judge, Excise, Aurangabad, in connection
with Risiup P.S. Case No. 41/2020.

(Sudhir Singh, J)

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