

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33658 of 2020

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

RAGHO YADAV, aged about 38 years, S/o Late Ramashankar Yadav, R/o village- Rajpur, P.S.- Raghunathpur, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Raghav Prasad, Advocate.
For the Opposite Party : Mr. Md. Sufiyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2020 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 A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 30 (a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 3888 liters wine is said to have been recovered from the body of the Truck



covered with the *Tripal*.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 28.07.2020. 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 3888 liters wine is recovered from the body of the Truck covered with the *Tripal*. The said Truck in question does not belong to the petitioner. The name of the petitioner has transpired in the present case on the disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of any incriminating article from conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 of Cr. P.C. Other co-accused have been granted bail vide Cr. Misc. No. 61967 of 2019 under order dated 27.09.2019, Cr. Misc. No. 63791 of 2019 under order dated 22.10.2019, Cr. Misc. No. 52979 of 2019 under order dated 20.11.2019 and Cr. Misc. No. 17074 of 2020 under order dated 12.06.2020 by the Co-ordinate Benches as well as by another Co-ordinate Bench of this Court, annexed



as Annexures-2 and 3 series to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid 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 Only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan, in connection with Raghunathpur P.S. Case No. 102 of 2019.

(Sudhir Singh, J)

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