

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.16819 of 2021**

Arising Out of PS. Case No.-327 Year-2020 Thana- BAUNSI District- Banka

RAKESH YADAV SON OF LATE PRAKASH YADAV RESIDENT OF  
VILLAGE- GHOSHPUR, POLICE STATION- BARAHAT, DISTRICT-  
BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.

Mr.Ganesh Sharma, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

2      30-06-2021      Heard learned counsel for the petitioner and learned  
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove  
the defects, as pointed out by the office, within four weeks of  
resumption of normal court proceeding. In the eventuality of  
non-removal of defects within undertaken period, the office will  
place the matter before the Bench.

The petitioner seeks bail in connection with Bounsi P.S.  
Case No.327 of 2020 registered for the offence punishable  
under Section 30(a) of the Bihar Prohibition and Excise  
(Amendment) Act, 2018.

Altogether 60 liters of illicit liquor is said to have been  
recovered from a bag tied on the back side of the motorcycle. It



is alleged that petitioner was riding on the said motorcycle at the time of raid.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the F.I.R. No such occurrence as alleged has ever take place. It is further submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He has no knowledge about the recovered wine which was tied on the said motorcycle. Petitioner has been falsely implicated in this case merely on suspicion due to dirty village politics. Petitioner has no criminal antecedent and has been languishing in custody since 29.12.2020.

Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Sessions Judge-II, Banka in connection with  
Bounsi P.S. Case No.327 of 2020 with the following  
conditions:-

(1) One of the bailors will be own close relative of the  
petitioner who will give on affidavit genealogy as to how he is  
relative to petitioner. The bailor will also undertake to inform  
the court if there is any change in the address of the petitioner.

(2) The petitioner shall not indulge himself in any  
similar offence till conclusion of the trial, failing which, his bail  
bonds shall be liable to be cancelled by the learned court  
concerned.

The bail bond of the petitioner shall be accepted by the  
learned Court below on showing receipt of deposit of  
Rs.5,000.00 (Rupees Five Thousand) in the PM Cares fund.

**(Anjani Kumar Sharan, J)**

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