

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35989 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- JAYNAGAR District- Madhubani

SHAMBHU YADAV S/O ARVIND YADAV R/o village- Terha, P.S.-
Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-12-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272, 273, 414 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 1395 litres of liquor is stated to have been recovered from two vehicles and the driver who was caught, on enquiry is said to have stated that he had taken the liquor from accused Ram Kumar and was going to reach the same to accused Kari Yadav and the petitioner herein.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. The only material against him is the statement of the driver made before police. He is in custody since 14.12.2020 and has been falsely implicated in the case because of his antecedent.

It is submitted by learned counsel for the petitioner that the FIR was registered on 1.3.2020 and thus on the first



page of the FIR the number has wrongly been mentioned as Jaynagar P.S. Case no. 70 of 2019. The same should be read as Jaynagar P.S. Case no. 70 of 2020 which would be evident from the margin of the first page of the written statement.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner not having been arrested at the spot nor any incriminating article having been recovered from his possession together with the petitioner having remained in custody for 1 year, the Court directs the petitioner to be enlarged on bail in connection with Jaynagar P.S. Case no. 70 of 2020 (corresponding to G.R. no. 369/2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani.

(Partha Sarthy, J)

Prakash/-

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