

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40084 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- KOILWAR District- Bhojpur

MUNNA YADAV Son of Bhola Yadav Resident of Village- Barki Chanda,
P.S.- Koilwar, Distt- Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Singh, Adv.

Mr. Malti Kumari, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-02-2021 Heard Mr. Rajendra Singh, learned counsel for the
petitioner and Mr. Shyam Kumar Singh, Additional Public
Prosecutor for the State.

2. Petitioner seeks regular bail in connection with
Koilwar PS Case No. 38/2020 corresponding to Excise Case
No. 272/2020 registered for the offence punishable under
Sections 30(a) of Bihar Prohibition & Excise Act 2016.

3. The allegation, as per First Information Report, is
that the police intercepted a tempo in which four persons were
sitting and upon seeing the police party two persons tried to flee
away and succeeded in the same, however, petitioner along with
one another person, namely, Bharat Kumar were arrested from
the tempo. It is further alleged that total quantity of 120 litres of
illicit liquor has been recovered from the said tempo.



4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive inasmuch as petitioner is a driver of the tempo in question which was being plied by him on hire basis and he was not aware about the illicit liquor being kept in his tempo by the passengers. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession of the petitioner and petitioner is in custody since 01.01.2020 having no criminal antecedents.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody since 01.01.2020 having no criminal antecedents and he is a driver of the tempo plying it on the hire basis, I am inclined to grant regular bail to the petitioner.

6. Accordingly, let the petitioner, MUNNA YADAV be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur, Ara in connection with Koilwar PS Case No. 38/2020 corresponding to Excise Case No.



272/2020.

7. 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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