

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40667 of 2020

Arising Out of PS. Case No.-37 Year-2019 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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LALAN YADAV Son of Late Yogendra Yadav @ Jaggi Yadav Resident of
Village - Laheriya Pokhar (Gulabbagh), Ward No. 24, P.S.- Barh, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 29.09.2020 in connection with Special Excise Case No. 3200 of 2019 arising out of Rail Bakhtiyarpur (Barh) P.S. Case No. 37 of 2019 registered for the offences punishable under Sections 147/148/149/353/504/506 of the Indian Penal Code, Section 141/152 of the Railway Act and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, on 18.03.2019 at 11:50, the informant and other railway police personnel during escort duty in Train No. 18622UP (between Mokama Station to Bakhtiyarpur Station) found that the train was stopped and



certain people were found unloading some bags and trolley bags containing illicit liquor from the train and when the informant and his police party tried to reach at the place, the miscreants started pelting stones on them and stopped the informant to reach near the place. FIR was lodged against 20-22 unknown persons.

It is submitted on behalf of the petitioner that name of the petitioner sprung up on the basis of the confessional statement made before the police by co-accused Bhushan Yadav which has no evidentiary value. It is further submitted that no incriminating article has been recovered from the possession of the petitioner. It is next submitted that co-accused Uday Kumar has already been granted bail by this Hon'ble Court vide order dated 06.07.2020 passed in Cr. Misc. No. 20033 of 2020. Chargesheet has already been submitted in this case. Petitioner is in custody since 29.09.2020.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Special Judge, Excise, Patna, in connection with Special Excise Case No. 3200 of 2019



arising out of Rail Bakhtiyarpur (Barh) P.S. Case No. 37 of
2019, subject to following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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