

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4062 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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RUPESH YADAV, SON OF RAM CHANDRA YADAV Resident of Village -
Banshipur, Ward no.5, P.s.- Kiul, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. A.L. Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-03-2021 Heard Mr. Manoj Kumar, learned Counsel for the

petitioner and Mr. A. L. Pandit, learned Additional Public

Prosecutor for the State, through Video Conferencing.

This application, for grant of regular bail, arises out
of Excise Case No. 140C2/dated 11.10.202, disclosing offences
under Sections 30(a), 32, 41 and 56(a), 56(b) of the Bihar
Prohibition and Excise Act, 2016.

The allegation, as per the First Information Report
is that a motorcycle was intercepted by the Excise Official and
upon seeing them, the accused persons tried to flee away but
one of them was apprehended and upon search 40 litres of illicit
liquor was recovered from the said motorcycle and the
apprehended accused person disclosed his name as Rupesh



Yadav, i.e., the petitioner.

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 merely because he was sitting as a pillion rider on the said motorcycle and he is not the owner of the motorcycle. Learned counsel next submits that no illicit liquor has been recovered from the conscious possession of the petitioner and he has got no criminal antecedent. Learned counsel further submits that petitioner is in custody since 12.10.2020 and the chargesheet has already been submitted against the petitioner and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner is in custody since 12.10.2020 having no criminal antecedent and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Rupesh 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 District and Sessions Judge-IIInd-cum-



Special Judge, Lakhisarai, in connection with Excise Case No.
140C2/dated 11.10.202.

It is made clear at the time of furnishing bail bond, all
the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J.)

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