

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2710 of 2021

Arising Out of PS. Case No.-148 Year-2019 Thana- SISWAN District- Siwan

RAJKISHOR YADAV SON OF SHIVPUJAN YADAV RESIDENT OF
VILLAGE - MIRJAPUR, P.S. - RAGHUNATHPUR, DISTRICT - SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-06-2021 Heard Mr. Ajay Kumar Tiwary, learned counsel for
the petitioner and Mr. Akshay Lal Pandit, Additional Public
Prosecutor for the State through video conferencing.

2. Petitioner seeks regular bail in connection with
Siswan (M.H.N) PS Case No. 148/2019 registered for the
offence punishable under Sections 30(a)/38(i) and 41 of Bihar
Prohibition & Excise Act 2016.

3. The allegation, as per First Information Report, is
that the police on the basis of confidential information, that
Arjun Yadav, Subhash Yadav and Vinod Yadav have brought a
consignment of illicit liquor on a truck and the said truck was
standing near a school in the village, Dujra, proceeded towards
the place of occurrence and upon seeing the police party the
accused persons succeeded in fleeing away. The police



recovered 3991.180 litres of foreign wine from the said truck and also seized two motorcycles standing near the truck. It is further alleged that the name of the petitioner has transpired on the basis of secret information.

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 from perusal of the material on record, it would be evident that when the police reached near the truck on secret information, saw three persons, namely, Arjun Yadav, Subhash Yadav and Vinod Yadav who succeeded in fleeing away from the truck and the name of the petitioner has been disclosed to the police by the spy. Learned counsel further submits that petitioner has got no concern with the seized truck and the motorcycles and no illicit liquor has been recovered from the conscious possession of the petitioner or from the vehicle belonging to him.

5. Learned counsel for the petitioner next submits that petitioner was remanded in this case from Raghunathpur PS Case No. 197/2019 on 21.11.2019 and since then, he is in custody. Learned counsel also submits that the petitioner has been granted bail in all his previous cases which are mentioned



in para-3 of the instant petition.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the name of the petitioner has transpired on the basis of secret information given by the spy, no illicit liquor has been recovered from the conscious possession of the petitioner or from the vehicle belonging to him and further petitioner is in custody since 21.11.2019 and charge-sheet has already been submitted in the matter and there is no likelihood that the petitioner will abscond or tamper with the evidences, if released on bail, I am inclined to grant regular bail to the petitioner.

7. Accordingly, let the petitioner, RAJKISHOR YADAV be released on bail on furnishing bail bond of Rs. 30,000/- (Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, (Excise), Siwan in connection with Siswan (M.H.N) PS Case No. 148/2019.

8. It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines of social/physical distancing and sporting masks.

(Anil Kumar Sinha, J)

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