

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10059 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- RAHIKA District- Madhubani

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1. MULAYAM YADAV SON OF MAHADEV YADAV RESIDENT OF VILLAGE- SADHANPUR, P.S- PAWAI, DISTRICT- AZAMGARH(U.P)
 2. DHEERAJ KUMAR CHAUPAL SON OF UMESH CHAUPAL RESIDENT OF VILLAGE- SIMARI, WARD NO.-11, P.S- BISFI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-07-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Rahika P.S. Case no. 133 of 2020 registered under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, 1523 litres of liquor was recovered from the truck and the two petitioners who were the driver and *khalasi* thereof were taken into custody.

It is submitted by learned counsel for the petitioners



that no incriminating article has been recovered from their possession or from their vehicle. They have been falsely implicated in the case. They have no criminal antecedent under the Bihar Prohibition and Excise Act and are in custody since 15.10.2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the petitioners being in custody for 9 months and their not having any antecedent under the Bihar Excise and Prohibition Act, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Rahika P.S. Case no. 133 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Session Judge II – cum – Special Judge, Excise Act, Madhubani.

(Partha Sarthy, J)

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