

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16322 of 2022**

Arising Out of PS. Case No.-96 Year-2020 Thana- SHANKARPUR District- Madhepura

RABAN YADAV @ RABAN KUMAR Son of Gajendra yadav Resident of
Village - Koluhy Ward No. 08, Moura Jharkaha, Police Station - Shankarpur,
District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Anant Kumar 1

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 08-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Shankarpur P.S. Case No. 96 of 2020 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that 603 liters of Indian made foreign liquor was seized from a pick-up-van and a car and three accused persons were apprehended and one person escaped from the spot. One of the co-accused named this petitioner as



the person who fled away from the spot.

The learned counsel for the petitioner submits that the petitioner has nothing to do with the alleged recovery. He is the owner of the pick-up-van and as such the driver of the vehicle disclosed the name of the owner. It was the driver who is responsible as he misused the car for carrying illicit liquor. The persons who were apprehended on the spot have been granted bail by Coordinate Benches vide order dated 25.02.2021 passed in Cr. Misc. No. 34441 of 2020 and vide order dated 09.02.2021 passed in Cr. Misc. No. 37687 of 2020. Charge sheet has been submitted in this case and the petitioner is in custody since 07.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted and further considering the period of custody of this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhepura in connection with



Shankarpur P.S. Case No. 96 of 2020, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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