

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39401 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- PHULPARAS District- Madhubani

JITENDRA YADAV Son of Mahavir Yadav Resident of Village- Ramnagar,
P.S.- Ghoghardiha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-01-2022 Heard Mr. Manoj Kumar Jha, learned counsel for the
petitioner and Mr. Humayou Ahmad Khan, learned Additional
Public Prosecutor appearing for the State through video
conferencing.

Petitioner seeks regular bail in connection with
Phulpras P.S. Case No. 70 of 2021 registered for the offence
punishable under Section 30 (A) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The Police on the basis of secret information
proceeded towards the place of occurrence and found that two
trucks were standing near the Dhaba and upon seeing the Police
party the person standing near the truck started fleeing away.
The petitioner along with five others were arrested and a total
quantity of 4635.360 litres of illicit liquor has been recovered
from both the trucks and a co-driver Rishikant Baghel was also



arrested.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case by the Police with oblique motive and he has not committed any offence in the manner alleged inasmuch as he had gone for a cup of tea in the Dhaba and was arrested by the Police. Learned counsel further submits that the petitioner has got no criminal antecedent and he is neither the owner nor the driver of the trucks from which the illicit liquor was recovered. He next submits that no illicit liquor has been recovered either from conscious possession of the petitioner or from the vehicle belonging to him.

The petitioner is in custody since 10.02.2021 and co-accused persons i.e., Rishikant Bhagel @ Rishikant Bansal and Babloo Kumar Yadav @ Babloo Kumar have been granted bail by this Court in Cr. Misc. Nos. 32591 & 35359 of 2021, respectively.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is neither the owner nor the driver of the truck, he is in custody since 10.2.2021 having no criminal antecedent and similarly situated co-accused persons have been



granted bail by this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, JITENDRA YADAV, 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 at, Madhubani, in connection with Phulparas P.S. Case No. 70 of 2021.

(Anil Kumar Sinha, J)

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