

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44131 of 2021

Arising Out of PS. Case No.-566 Year-2020 Thana- PHULPARAS District- Madhubani

KAMESHWAR YADAV Son of Mishree Lal Yadav Resident of Village-
Mahadeva, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Rajesh Kumar
For the Opposite Party/s	:	Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-02-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Phulparas Police Station Case No. 566 of 2020, registered for
the offences punishable Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police intercepted a truck and recovered 3069
litres of illicit liquor from the said truck and arrested the driver,
who disclosed that the consignment of liquor has been brought
at the instance of petitioner and others.

Learned Senior Counsel for the petitioner submits that
the petitioner has got no criminal antecedent and he has falsely



been implicated in this case on the basis of disclosure of his name by the driver of the truck, from where illicit liquor has been recovered. He further submits that the driver of the truck merely stated that liquor has been brought by the petitioner and others. He further submits that except the disclosure of his name by the driver of the truck, there is no other material to connect the petitioner with the present offence and no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner. He further submits that the petitioner is neither the owner nor the driver of the truck, in question. He further submits that the petitioner is in custody since 04.04.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner, he is in custody since 04.04.2021, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to



grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Madhubani, in connection with Phulparas Police Station Case No. 566 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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