

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46882 of 2021

Arising Out of PS. Case No.-118 Year-2021 Thana- BENIPATTI District- Madhubani

1. SURAJ MISHRA S/o Sudist Narayan Mishra R/o village- Tektair, P.S.- Kamtaul, District- Darbhanga
2. Vikau Yadav S/o Ramawtar Yadav R/o village- Dilahi, P.S.- Bisanpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

Mr. Ravi Prakash, Adv

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-02-2022 Heard Mr. Gagan Deo Yadav, learned counsel for the petitioner and Mr. Md. Anbzarul Haque Sahara, learned APP for the State *via* virtual conferencing.

At the very outset, learned counsel for the petitioner submits that petitioner no.1, Suraj Mishra who was driver-cum-owner of the Tempo bearing BR07PB-0253 has been declared to be juvenile by the Juvenile Justice Board.

Accordingly, learned counsel seeks permission to withdraw this application in relation to petitioner no.1.

Permission is granted.

This application for bail is dismissed as withdrawn regarding petitioner no.1, Suraj Mishra.



Insofar petitioner no.2, Vikau Yadav is concerned, he seeks regular bail in connection with Benipatti P.S. Case No. 118 of 2021 corresponding to G.R. Case No. 930 of 2021 registered for the offence under Sections 272 , 273/34 of the of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the First Information Report a Piaggio van bearing No. BR07PB-0253, which was being driven by petitioner no.1, was intercepted by the Police and a total quantity of 171 liters of Nepali wine was recovered from the same. It is further stated that petitioner no.2 was arrested along with petitioner no.1 who is the owner and driver of the said vehicle.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case because at that point of time, petitioner no.2 was in the company of petitioner no.1. He further submits that the Piaggio van in question was being driven by petitioner no.1 and petitioner no.2 was not aware about the illicit liquor being kept therein. The petitioner is in custody since 7/6/2021 having no criminal antecedent and charge sheet has already been submitted.



Regards being had to the submissions made by the parties and taking into consideration the materials available on record and the fact that petitioner has got no criminal antecedent, he is in custody since 7/6/2021 , charge sheet has already been submitted and trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd cum-Special Judge Excise Act, Madhubani in connection with Benipatti P.S. Case No. 118 of 2021 corresponding to G.R. Case No. 930 of 2021.

(Anil Kumar Sinha, J)

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