

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 41382 of 2022**

Arising Out of PS. Case No.-169 Year-2022 Thana- BAHADURPUR District- Darbhanga

RAKESH KUMAR YADAV S/o Raghunath Yadav R/o village- Bhuskaul,  
Balha, P.S.- Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Pushpa Sinha

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      05-09-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with  
Bahadurpur P.S. Case No. 169 of 2022 registered for the  
offences punishable under Sections 420, 467, 468, 471, 414,  
120(B) of the I.P.C. and Sections 30(a), 32(ii)(iii), 36, 41(i) of  
the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery  
of 3457.44 litres foreign liquor from the truck and car in  
question. There is allegation against the petitioner and others to  
bring said consignment of the illicit liquor. Petitioner is not  
apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is in custody since 25.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner and he has been falsely implicated in this case. Petitioner is not apprehended on the spot. The petitioner is neither owner nor driver of the said vehicle in question. Co-accused Raja Kumar Sah has already been granted bail vide Cr. Misc. No. 38084 of 2022 by this Hon'ble Court and the case of present petitioner stands on better footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the



like amount each to the satisfaction of learned Special Judge  
(Excise Act), Darbhanga in connection with Bahadurpur P.S.  
Case No. 169 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or  
mother or sister or brother or wife or the person who has sworn  
the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will  
remain present on all dates and absence for two consecutive  
dates without appropriate permission, would be a ground for  
cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the  
witnesses, in that case, the prosecution will be at liberty to move  
for cancellation of bail.

**(Alok Kumar Pandey, J)**

amitkumar/-  
vasudha

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

