

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54382 of 2021

Arising Out of PS. Case No.-57 Year-2019 Thana- HATHAURI District- Samastipur

RAKESH KUMAR YADAV SON OF RAM DEV YADAV R/O VILLAGE-
KHOTAH DEOKALI, POLICE STATION- BIRAUL, DIST.-
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-04-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on a search-cum-raid, it is stated that 4207 litres of IMFL was recovered from a truck.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R. The petitioner was falsely implicated in the case in course of investigation because of his antecedents. Referring to the order of the learned trial court, it is submitted that the only material that has transpired against the petitioner is that he was in contact on telephone with the F.I.R. named co-accused. Admittedly, neither the petitioner



was arrested at the spot nor any incriminating article recovered from his possession. He is in custody since 3.7.2021 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the petitioner not being named in the F.I.R., the contents of the order of the learned trial court, no incriminating article having been recovered from the petitioner's possession and the petitioner having remained in custody for 9 months, the Court directs the petitioner to be enlarged on bail in connection with Hathauri P.S. Case no.57 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge, Excise Act, Samastipur.

(Partha Sarthy, J)

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