

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52912 of 2022

Arising Out of PS. Case No.-360 Year-2022 Thana- NAUTAN District- West Champaran

Rajesh Yadav, Son of Bhuti Yadav, Resident of Village - Jarwai, P.S.-
Yadopur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Nautan P.S. Case No. 360 of 2022 registered
for the alleged offences under Section 414 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, recovery of 224.640 litres of
India made foreign liquor was made from a car and the petitioner is
stated to be working as a liner for ensuring safe passage of the said
liquor and was riding a motorcycle ahead of the said car.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. He has been made accused in this case merely on suspicion. The motorcycle being used by the petitioner belongs to his brother and it is not a stolen motorcycle. It was a co-incident that the petitioner was going on a motorcycle just ahead of the seized car and he was having no knowledge about liquor being carried in the said car. The petitioner is in custody since 29.06.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to 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 Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 360 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure



and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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