

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53384 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- RAJNAGAR District- Madhubani

1. Vivek Kumar Yadav S/o Uma Nath Yadav R/o village- Ramnipatti, P.S.- Babubarhi, District- Madhubani
2. Ratish Kumar Yadav @ Ratish S/o Ram Suchit Yadav R/o village- Chaudharana, P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioners 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 petitioners seek bail in connection with Rajnagar P.S. Case No. 206 of 2022 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, during a regular checking of the vehicles, police intercepted two vehicles coming towards them. When the police tried to stop the vehicles, the drivers tried



to run away with their vehicles. One person successfully managed to escape from one of the vehicles but four persons including the two petitioners were apprehended and from the two vehicles a total of 243 litres including 63 litres of Indian Made Foreign Liquor and 180 litres of Nepali country made liquor were recovered.

The learned counsel for the petitioners submits the petitioners are innocent and have been falsely implicated in this case. The petitioner no. 1 has been implicated in this case merely because he is the owner of one of the cars from which alleged recovery was made. On the date of the incident a passenger Ranjit Singh hired his car to go to Darbhanga station and he loaded some cartons in the boot space saying that they contain mangoes and he had no idea that the cartons contained illicit liquor. On his way to Darbhanga he called his friend i.e. petitioner no.2 to accompany him. Both the petitioners had no knowledge of the presence of liquor in the car. The petitioners are also not involved in any kind of trade of illicit liquor. The petitioners are in custody since 30.07.2022 and are having clean antecedent. Charge sheet has been submitted.

Learned APP oppose the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further



considering the period of custody of the petitioners along with their clean antecedent, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, District-Madhubani in connection with Rajnagar P.S. Case No. 206 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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