

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67024 of 2021

Arising Out of PS. Case No.-667 Year-2021 Thana- BIHTA District- Patna

1. RAKESH KUMAR Son of Jitendra Yadav Resident of Village- Daulatpur, Police Station Bihta, District- Patna.
2. Mithu Kumar Son of Naresh Yadav Resident of Village- Daulatpur, P.S.- Bihta, District- Patna.
3. Santosh Kumar Son of Shivnandan Yadav Resident of Village- Daulatpur, Police Station Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-04-2022

Heard learned counsel for the parties.

The petitioners have 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, 50 litres of liquor was recovered from the motorcycle of petitioner no. 1 Rakesh Kumar and he was taken into custody. It is further stated that 200 litres of liquor was recovered from a tempo and the petitioner no. 2 Mithu Kumar and petitioner no. 3 Santosh Kumar were taken into custody.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. No incriminating article has been recovered from their possession. They are in custody since 10.9.2021 and petitioner nos. 2 and 3 have no criminal antecedent.



Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR together with the petitioner no. 1 Rakesh Kumar having criminal antecedent under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner no. 1 on bail and his application is rejected.

Liberty is granted to the petitioner no. 1 to renew his prayer for bail on completing one year in custody.

Having heard learned counsel for the parties and taking into consideration the petitioner nos. 2 and 3 not having any criminal antecedent, the Court directs the petitioner no. 2 Mithu Kumar and petitioner no. 3 Santosh Kumar to be enlarged on bail in connection with Special Case no. 5639 of 2021 (arising out of Bihta P.S. Case no. 667 of 2021) on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna.

(Partha Sarthy, J)

Prakash/-

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