

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68064 of 2021

Arising Out of PS. Case No.-135 Year-2021 Thana- GAIGHAT District- Muzaffarpur

RAKESH KUMAR @ RAKESH KUMAR YADAV Son of Raghubans Rai
Resident of village - Gyasudinpur Tola Kalyan, P.S.- Gaighat, District -
Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-04-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272, 273, 414 and 34 of the Indian Penal Code and sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on a Tata 407 vehicle being stopped for searching, it is stated that while other accused persons managed to flee away, the driver was taken into custody and 558.720 litres of liquor was recovered. The Choukidar identified the petitioner amongst the accused persons who managed to flee away.

It is submitted by learned counsel for the



petitioner that neither the petitioner was arrested at the spot nor any incriminating article was recovered from his possession. The cause of false implication of the petitioner is his antecedents. He is in custody since 15.9.2021 and chargesheet has been submitted in the case.

Having heard learned counsel for the parties and taking into consideration the petitioner not having been arrested at the spot, no incriminating article having been recovered from his possession and the petitioner being in custody for 7 months, the Court directs the petitioner to be enlarged on bail in connection with Gaighat P.S. Case no.135 of 2021 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 Special Judge, Excise, Muzaffarpur.

(Partha Sarthy, J)

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