

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68345 of 2021

Arising Out of PS. Case No.-425 Year-2021 Thana- MASHRAK District- Saran

RAJ KUMAR YADAV Son of Late Jaggu Yadav Resident of Village-
Kathawa, P.S. Katoriya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 24-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Mashrakh Police Station Case No. 425 of 2021, registered for the offences punishable under Sections 30, 30 (a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, on the basis of secret information, arrived at the Singh Line Hotel, Bangra, and saw that one loaded truck was standing there and four motorcycles were parked near the truck and some persons were also standing near the line hotel. Upon seeing the police party, the accused persons started fleeing away, but six persons were arrested by the police including the petitioner. The police also recovered 8000 litres of spirit from the truck in question.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He further submits that the petitioner is neither the owner nor the driver of the truck and nothing has been recovered from his conscious possession and/or vehicle belonging to him. He further submits that the petitioner is in custody since 13.08.2021 having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence. He next submits that similarly situated co-accused persons have been granted bail by this Court in Cr. Misc. 54505/2021, 57410/2021, 57334/2021 and 58645/2021 respectively.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record, the fact that no material has come during the course of investigation that the petitioner is either the owner or the driver of the truck, nothing has been recovered from possession of the petitioner and/or motorcycle belonging to him, charge sheet has already been submitted and the petitioner is in custody since 13.08.2021 having clean antecedent, similarly situated co-accused persons have been granted bail, I am inclined to grant



regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum-Special Judge, Excise, Excise, Saran, at Chapra, in connection with Mashrakh Police Station Case No. 425 of 2021.

(Anil Kumar Sinha, J)

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