

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70332 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- BARGAINIA District- Sitamarhi

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RUPESH YADAV @ RUPESH KUMAR Son of Gajendra Rai Resident of
Masaha Alam, P.S.- Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Bairgania P.S. Case No. 66 of 2020, registered for the offence punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 841.500 liters of illicit Nepali saufi wine from a Bolero vehicle and it is alleged that the local chaukidar had identified five persons including the petitioner, who had managed to flee away.

The learned counsel for the petitioner has



submitted that the petitioner is innocent and he has been falsely implicated in the present case. The petitioner is stated to be languishing in custody since 3.9.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases, but he is on bail in the said two cases. It is submitted by referring to paragraph no. 9 of the present petition that the petitioner is neither the owner nor the driver of the vehicle in question.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is neither the owner nor the driver of the vehicle in question and moreover, no illicit liquor has been recovered from the conscious possession of the petitioner, apart from the fact that he is languishing in custody



since about nine months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge II cum Special Judge Excise Act, Sitamarhi in connection with Bairgania P.S. Case No. 66 of 2020.

(Mohit Kumar Shah, J)

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