

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71502 of 2021

Arising Out of PS. Case No.-270 Year-2021 Thana- DUMRAO District- Buxar

Rakesh Yadav @ Rakesh Kumar Singh Son Of Lalan Yadav @ Lalan Singh
R/O Village - Nawadera, P.S. - Naya Bhojpur, District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Dumraon P.S. Case No. 270 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018. He is in custody since 07.08.2021. He has got two criminal antecedents and in both the cases he is said to be on bail.

Learned counsel for the petitioner submits that as per the prosecution story, the informant while on patrolling duty got a secret information that one Rakesh Yadav and others are involved in manufacturing and selling of illicit liquor at Boring.



On this information, the informant along with other police personnel reached there and on seeing the police party, five persons including this petitioner started fleeing away but on chase co-accused Doka @ Nitish Kumar was apprehended having a plastic bag in his hand and others managed to escape. On search of the said bag, total 2.880 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has transpired in the confessional statement of co-accused Doka @ Nitish Kumar who has already been granted bail. It is also submitted that there is no recovery from possession of the petitioner. The petitioner has remained in custody since 07.08.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has remained in custody in connection with this case since 07.08.2021, co-accused Doka @ Nitish Kumar has been granted bail in Cr. Misc. No. 64846 of 2021, investigation against him is complete and his presence may also be secured in course of



trial, thus, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd cum Special Judge, Excise, Buxar in connection with Dumraon P.S. Case No. 270 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

