

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71802 of 2021**

Arising Out of PS. Case No.-159 Year-2021 Thana- BENIPATTI District- Madhubani

GULAB YADAV S/o Jagdeo Yadav R/o village- Rankataul, P.S.- Arer,
District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Opposite Party/s : Mr. Rajeev Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 07-06-2022

Heard learned counsel for the parties.

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

As per the prosecution case, on the vehicle in question being stopped for checking it is stated that the accused persons managed to escape. A total of 174.15 litres of liquor was recovered.

It is submitted by learned counsel for the petitioner that the FIR was registered against owner of the two vehicles. The name of the petitioner transpired in course of investigation in the confessional statement of Shambu Sah who happens to be the registered owner of one of the vehicle. No incriminating



article has been recovered from the petitioner's possession. The cause of his false implication is his antecedent. He is in custody since 28.8.2021 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the petitioner not having been arrested at the spot, the name of the petitioner having transpired in the confessional statement of coaccused made before the police and the petitioner having remained in custody for 9 months, the Court directs the petitioner to be enlarged on bail in connection with Benipatti P.S. Case no. 159 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani.

(Partha Sarthy, J)

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