

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37340 of 2023

Arising Out of PS. Case No.-5 Year-2018 Thana- JAYNAGAR District- Madhubani

RAKESH KUMAR YADAV @ RAM BABU YADAV Son of Late Uttim Lal
Yadav Resident of village - Akaunha, P.S. - Deodha, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav
		Mr. Ravi Prakash
For the Opposite Party/s	:	Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Jaynagar P.S. Case No. 05 of 2018, G.R. No. 31/2018 registered for the offences punishable under Sections 272, 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of total 231 litre illicit liquor from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation his name surfaced in this case in the confessional statement of co-accused Rajesh Kumar Yadav and others. He further submits that petitioner is innocent and has committed no



offence and he has falsely been implicated in this case. Petitioner is in custody since 24.04.2023 and bears criminal antecedent of nine cases out of which eight cases are of similar nature. He further submits that no incriminating article has been recovered from possession or house of the petitioner. Petitioner has no concern either with the seized liquor or vehicle in question. He further submits that petitioner has been implicated by the police in a routine manner without any basis.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge (Excise Act), Madhubani in connection with Jaynagar P.S. Case No. 05 of 2018, G.R. No. 31/2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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