

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40558 of 2024

Arising Out of PS. Case No.-738 Year-2022 Thana- MADHAURAH District- Saran

Akhilesh Kumar Yadav @ Akhilesh Rai Son of Lakhraj Ray Resident of
village - Turki, P.S.- Panapur, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Marhowrah P.S. Case No.738 of 2022 lodged under Sections
30(a) and 41(i) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, the F.I.R. has been
lodged against nine named accused persons and total recovery
of 840 liter spirit has alleged to be made from four different
vehicles which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that nothing has been recovered from his possession which is
apparent from F.I.R. and seizure list.

5. Counsel further submits that though the F.I.R. has
been lodged against nine accused persons, but name of the
petitioner has come only by virtue of confessional statement of



apprehended accused persons.

6. Counsel further submits that the petitioner is in custody since 25.04.2024 and his antecedent is not clean. There is one criminal case pending against him in which he is on bail and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Marhowrah P.S. Case No.738 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

9. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

i. Mashrak P.S. Case No.583 of 2022.

(Dr. Anshuman, J.)

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