

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75463 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- KALUAHI District- Madhubani

Ram Ganesh Yadav son of Jagat Lal Yadav Resident of Village -Khaira Tole,
Police Station- Jaynagar Dist -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kaluahi P.S. Case No. 162 of 2024, registered on 17.08.2024 for the alleged offences under Section 3(5) of B.N.S. and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about smuggling of illicit liquor on an e-rickshaw. The said e-rickshaw was intercepted and the petitioner was apprehended, who was driving the e-rickshaw. From the e-rickshaw, recovery of 76.8 litres of Nepali country made liquor was made. The petitioner thereafter disclosed about further smuggling of illicit liquor by co-accused Santosh Sah and others



who were also apprehended and from them recovery of 35.7 litres of Nepali country made liquor was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner did not indulge in the illicit trade of liquor. The real fact is that nothing incriminating has been recovered from the conscious possession of the petitioner. The contraband article was kept by some passenger in the e-rickshaw directing the petitioner to leave it at Kaluahi and the petitioner became victim of circumstances. The petitioner is having clean antecedent and is in custody since 18.08.2024.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise Act, Madhubani/concerned Court in connection with Kaluahi P.S. Case No. 162 of 2024, subject to



the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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