

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3215 of 2019

Arising Out of PS. Case No.-250 Year-2018 Thana- GUTHANI District- Siwan

Shiv Kumar Yadav, aged 25 years, Male, son of Dhaja Yadav Resident of
Village - Dumari Hatwa, P.S.- Lar, District - Deoriya (U.P)

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Ranjeet Kumar Pandey, Adv.

For the Opposite Party : Mr. Rita Verma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 24-01-2019

Heard the learned counsel for the petitioner and the learned
counsel appearing for the State.

The petitioner is languishing in judicial custody since
04.11.2018 in connection with Guthani P.S. Case No. 250 of 2018 for
the offences alleged under Sections 30(a), 38(1) and 41(1) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is
that during vehicle checking near the Uttar Pradesh Border, they saw a
vehicle coming from Uttar Pradesh side and after seeing the police the
driver of the vehicle tried to escape, but, was apprehended. On search,
near the driving seat 259.200 liters of Indian made foreign liquor was
recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and was just a
driver of the said vehicle. The illicit liquor belong to co-accused,
Mritunjay Yadav. The petitioner undertakes not to induce witnesses or
tamper with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the



State opposes the prayer for bail stating therein that huge quantity of illicit liquor was recovered and the petitioner has confessed his complicity in dealing with the illicit liquor along with co-accused.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail, **on completion of four months in custody**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Guthani P.S. Case No. 250 of 2018 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Siwan, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

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