

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1818 of 2019

Arising Out of PS. Case No.-616 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

Subodh Kumar Yadava @ Subodh Kumar Yadav, male, aged about 24 years,
son of Satya Narayan Yadav @ Saty Naryan Yadav, resident of village
Banjarah, P.S. Bela, district Sitamarhi ... Petitioner

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Man Mohan Kumar, Adv.
For the Opposite Party : Mr. Madan Kumar, APP 223

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-01-2019 Heard the learned counsel for the petitioner and
the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 30.11.2018 in connection with Case No. C2 – 616 of 2018 for the offence alleged under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the Excise officials, is that the petitioner was caught near the Indo-Nepal Border. On his motorcycle he was carrying 62.700 liters of Nepali Saufi wine, 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 has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and petitioner undertakes not to tamper with the prosecution



witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner was caught red-handed with the illicit wine.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Case No. C2 – 616 of 2018 to the satisfaction of the Additional District Judge II-cum-Special Judge, Excise Act, Sitamarhi, subject to the condition that if the petitioner indulges in any offence of similar nature the prosecution will be at liberty to move the learned Court below for cancellation of his bail bond.

(Nilu Agrawal, J)

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