

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22980 of 2019

Arising Out of PS. Case No.-125 Year-2019 Thana- BUXAR District- Buxar

SUMESHWAR YADAV, aged about 22 years, (M), Son of Rajendra Yadav
Resident of Village-Sohani Patti, Ward no.33, P.S.-Buxar (T), District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Buxar (T)
P.S.Case No.125 of 2019 for the offence alleged under Section
30(a) of the Bihar Excise (Amendment) Act, 2018.

The prosecution case as lodged by the police
personnel is that on an anti prohibition drive several places were
raided and illicit liquor was recovered. On secret information,
the house of the petitioner and co-accused Shanker Yadav was
raided. While the co-accused managed to flee away, the house
was searched and 222 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 antecedent and
has been falsely implicated in the aforesaid case. The house was
a joint family property and nothing has been recovered from the



conscious possession of the petitioner and the petitioner is languishing in judicial custody since 18.02.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, 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 Buxar (T) P.S.Case No.125 of 2019 to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Act, Buxar, 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)

B.Kr./-

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