

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59817 of 2019

Arising Out of PS. Case No.-182 Year-2019 Thana- MAIRWAN District- Siwan

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GOVIND KUMAR YADAV @ GOVINDA KUMAR @ GOVINDA @
GOVINDA YADAV S/o- Harishankar Yadav Resident of Village- Dhusa, P.S.-
Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Mairwa P.S. Case No. 182 of 2019 registered
for the offence punishable under Sections 30(a)/38(i)/41(i) of
the Bihar Prohibition and Excise Act, 2016.

Informant in his self statement has stated that on
10.07.2019 he got information that two tempos were standing
near Nauka Tola Railway crossing containing illicit liquor and
when he reached there, two persons started fleeing away but
they were apprehended after chase and they disclosed that they
are drivers and from both the tempos 231.120 litres foreign
liquor was recovered and they also disclosed that same was



given to them by one Shiv Kumar Yadav and he told that same will be delivered to Govinda Yadav (petitioner).

It has been submitted on behalf of petitioner that petitioner is innocent and has been falsely implicated in this case. It has been further submitted that neither anything was recovered from the possession of petitioner nor he was apprehended from the spot. His name has surfaced on the basis of confessional statement of co-accused. It has been further submitted that co-accused Ajay Kumar Sharma from whose possession recovery was made has been granted bail by a co-ordinate Bench of this Court as contained in Annexure-2.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Mairwa P.S. Case No. 182 of 2019 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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