

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70761 of 2019

Arising Out of PS. Case No.-166 Year-2019 Thana- HARLAKHI District- Madhubani

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Jitendra Yadav, aged about 35 years, Male, son of Ram Yatan Yadav Resident of Village- Dighiya, P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 & 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No.166 of 2019 dated 17.08.2019 registered at Police Station-Harlakhi District-Madhubani under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Allegedly 90 liters *mahua* wine was recovered.

Learned counsel for the petitioner submits that he has been falsely implicated in this case. The recovery has not been made from the conscious physical possession of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or



destroy the evidence, as also that he is behind bars since 02.10.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned ADJ-II-cum-Special Judge (Excise) Madhubani in connection with Harlakhi P.S.Case No.166 of 2019/G.R.No.1497 of 2019 on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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