

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78494 of 2019

Arising Out of PS Case No.-171 Year-2019 Thana- DARAULI District- Siwan

Ashutosh @ Gollu Yadav, Male aged about 20 years, Son of Ramesh Prasad Yadav, Resident of Village - Khap Jataur Bhalua, P.S.- Guthni, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the State	:	Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-12-2019

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

2. The petitioner seeks bail in Darauli P.S. Case No. 171 of 2019 dated 03.11.2019 instituted under Sections 272 and 273 of the Indian Penal Code and 30 (a), 38 (i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner and two others is of dealing in illicit liquor.

4. Learned counsel for the petitioner submitted that he was the pillion rider on the motorcycle from which recovery is made and, thus, is not responsible for the same as he was not aware of what was being carried in the motorcycle, which



belonged to the person driving the vehicle. It was submitted that even as per the allegation, 34.560 litres of foreign liquor was recovered. It was submitted that the petitioner was merely seeking a lift and is in custody since 04.11.2019, having no criminal antecedent.

5. Learned APP submitted that the recovery has been from the petitioner as he was holding the sack from which the liquor has been recovered and, thus, he cannot plead innocence.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-2nd-cum-Special Judge, Excise Siwan in Darauli P.S. Case No. 171 of 2019.

7. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be



present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

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