

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83556 of 2019**

Arising Out of PS. Case No.-416 Year-2019 Thana- BAKHTIARPUR District- Saharsa

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Mirtunjay Yadav @ Raja Yadav, Age 37 Years Male, Son of Late Bhuneshwar Yadav, Resident of Village-Sakra Paharpur, P.S.-Bakhtiarpur, O.P. Balwahat, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 20-12-2019

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

2. The petitioner seeks bail in Special (Excise) Case No. 549 of 2019 arising out of Bakhtiarpur PS Case No. 416 of 2019 dated 11.11.2019 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that from his motorcycle 25.200 litres liquor has been recovered.

4. Learned counsel for the petitioner submitted that the same has been planted on him and was not recovered from



his conscious possession. It was submitted that the petitioner is in custody since 11.11.2019 having no criminal antecedent.

5. Learned APP submitted that the recovery is from the motorcycle of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ II-cum-Special Judge, Excise Act, Saharsa in Special (Excise) Case No. 549 of 2019 arising out of Bakhtiarpur PS Case No. 416 of 2019, subject to the conditions that 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 being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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