

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1321 of 2020**

Arising Out of PS. Case No.-206 Year-2019 Thana- PARBATTa District- Khagaria

LUKHO YADAV @ SHAILENDRA YADAV Son of Late Kallar Yadav  
Resident of Village - Baisa, P.S.- Parbatta (Maraiya), District- Khagaria

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      20-03-2020                      Heard learned Counsel for the petitioner and the learned  
APP for the State.

The petitioner, who is in custody, seeks bail in connection with Parbatta PS Case No. 206 of 2019 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Since 29.11.2019 the petitioner having no criminal antecedent, as per averments made in the petition, is in custody. There is allegation of recovery of 395.280 liters of illicit Indian made foreign liquor.

Petitioner's Counsel submits that even as per allegations in the FIR the recovery is not from his possession. It is a case of false implication and that the liquid substance recovered in the alleged bottle has not been subjected to examination to ascertain whether it is actually liquor or not.

Learned APP has opposed the prayer.

Considering the rival submissions, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Khagaria in Parbatta PS Case No. 206 of 2019 subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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