

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2939 of 2020

Arising Out of PS. Case No.-304 Year-2018 Thana- BARAULI District- Gopalganj

BHUTELI YADAV Son of Bhagrasan Yadav @ Bhagrasan Chaudhary
Resident of Village - Bagaha, P.S.- Yadopur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr.Upendra Yadav, Advocate

For the Opposite party : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 12-05-2020 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Barauli P. S. Case No. 304 of 2018 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The FIR has been lodged by an ASI. The prosecution case alleges recovery of 1293 liters of Indian made foreign liquor from a pickup van on National Highway No. 28. The driver is said to have fled away at the time of recovery. The FIR is in respect of recovery dated 6/7-12-2018.

Learned Counsel for the petitioner submits that the pickup van bearing registration No. BR 28 B 1350 which was registered in his name, had been sold by him to one Ganesh Sah resident of Village Krishna Nagar in June 2015 itself when the petitioner was in dire financial crisis on account of flood. It is his submission that even the prosecution case does not allege that the petitioner was



arrested at the time of recovery or that recovery was from his conscious possession. Merely because the vehicle stood registered in his name, he has subsequently been arrested on 5.11.2019. Having no criminal antecedent, he is in custody since 5.11.2019.

Learned APP has opposed the prayer by submitting that since the vehicle from which recovery has been made stands registered in his name, petitioner cannot escape his liability on account of the recovery.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District Judge 2nd cum Special Judge Excise Act, Gopalganj, in connection with Barauli P. S. Case No. 304 of 2018 , subject to the following conditions:-

- 1) 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.
- 2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on



executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirements of furnishing bail bonds in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned Additional District Judge 2nd cum Special Judge Excise Act, Gopalganj and the competent authority of the State in terms of clause 13 of Notice II published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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