

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11008 of 2020

Arising Out of PS. Case No.-352 Year-2019 Thana- KONCH District- Gaya

1. SANJAY KUMAR YADAV Son of Nago Yadav Resident of Village - Nawadih Panari, P.S.- Hunterganj, Dist.- Chatra (Jharkhand)
2. Awadhesh Kumar Yadav @ Awadhesh Yadav Son of Rajendra Yadav Resident of Village - Nawadih Panari, P.S.- Hunterganj, Dist.- Chatra (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-05-2020

The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioners seek bail in Konch P. S. Case No. 352 of 2019 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery of country made liquor is attributed from a vehicle, from which the two petitioners have been apprehended.

It is submitted by learned Counsel for the petitioners that from perusal of the FIR it is evident that the police party had proceeded to investigate a secret information that there was huge quantity of liquor at the house of Chandan Kumar (co-accused), From the house of said co-accused 375 liters of liquor has been recovered. The petitioners however have been falsely implicated in this case though even as per prosecution case



secret information was regarding huge quantity of banned liquor at the house of co-accused Chandan Kumar. The petitioners are having no criminal antecedent. They are in custody since 26.12.2019. It is submitted that there is no compliance of Section 100 Cr.P.C. in search and seizure of the vehicle and it is also submitted that there is no forensic opinion to ascertain or support the allegation that the seized substance is banned alcoholic substance.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioners, 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 Special Judge, Excise Act, Gaya, in connection with Konch P. S. Case No 352 of 2019 , subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners 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 petitioners 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 petitioners must comply with the requirements of furnishing bail bonds, and conditions 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 Special Judge, Excise Act, Gaya 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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