

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10404 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- MADHWAPUR District- Madhubani

SUJIT KUMAR YADAV @ SUHIT KUMAR YADAV Son of Jata Yadav
Resident of Village and P.S. - Musraniya, District- Dhanusha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 02-03-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Madhwapur P.S. Case No. 01/2020, corresponding to G.R. No. 05/2020 disclosing offence punishable under Sections 272/273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Two persons were arrested by the officials of SSB who were riding a motorcycle at Indo-Nepal Border, when they were entering into the territory of Bihar. From their possession, the officials are said to have recovered 430 bottles of Nepali wine (*Soufi*) totaling 129 litres.

Learned counsel appearing on behalf of the petitioner has produced before me an order of this Court dated 28.02.2020, passed in Cr. Misc. No. 9251 of 2020 to contend that similarly circumstanced co-accused has been allowed regular bail by this



Court.

Learned counsel for the petitioner is correct in his submission that the co-accused, who has been allowed regular bail, is similarly situated.

Considering the quantity of illicit liquor seized from the possession of the petitioner and the other co-accused, though I was not inclined to grant the petitioner privilege of regular bail, in view of the fact that the co-accused has been allowed such privilege, this application is allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional Sessions Judge-2nd cum Special Judge, Excise Act, Madhubani in Madhwapur P.S. Case No. 01/2020, corresponding to G.R. No. 05/2020.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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