

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16505 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- MANJHAGARH District- Gopalganj

Bhola Yadav Son of Surendra Yadav Resident of Village - Dharam Parsa, P.S.-
Manjhagarh, Dist.- Gopalganj (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gautam Kumar Yadav

For the Opposite Party/s : Mrs.Asha Devi

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-06-2020 The matter has been taken up through virtual Court proceeding.

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

The present application has been preferred on
behalf of the petitioner for grant of bail in connection with a
case registered for the offences punishable under Section 414 of
the Indian Penal Code, 1860 and Section 30(a) of Bihar
Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

The prosecution case, as per the written report of
Chhotan Kumar, SHO, Manjhagarh P.S. submitted to the Chief
Judicial Magistrate, Gopalganj, is to the effect that on
04.02.2020 at 5.00 A.M., a confidential information was
received that Bhola Yadav, the petitioner was selling liquor,



consequently, a raid was laid and from an Indica car total 15.120 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the car in question does not belong to the petitioner, but statement to that effect has not been made in the petition though it is submitted that a supplementary affidavit to that effect has been filed but the same is not on record. The petitioner is accused four other cases. The petitioner is languishing in custody since 04.02.2020 and investigation has already been concluded. It is further submitted that even assuming the accusation to be true, no case under Section 414 of the IPC is made out against the petitioner.

Learned APP for the State submits that the recovery has been made from the car in question.

Considering the nature of recovery and investigation being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional District & Sessions Judge II, Gopalganj in connection with Manjhagarh P.S. Case No. 31 of 2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to



accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional District & Sessions Judge II, Gopalganj in connection with Manjhagarh P.S. Case No. 31 of 2020.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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