

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18257 of 2020

Arising Out of PS. Case No.-274 Year-2019 Thana- PHULWARIYA District- Gopalganj

SANJAY YADAV S/o Late Garju Yadav Resident of Village- Madarwani,
Ward No. II, Police Station, Phulwariya, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri. Milind Kumar Mishra, the learned counsel appearing for the petitioner and Mrs. Anita Kumari Singh, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Phulwariya P.S. Case No. 274 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 294.200 liters of illicit wine from the under construction house of the petitioner.



The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that though the petitioner is accused in one other case but the said case has been lodged for the very same occurrence. Lastly, it is submitted that the petitioner is languishing in custody since 13.01.2020.

Per contra, the learned APP appearing for the State has submitted that the petitioner is named in the FIR and there is specific allegation against him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and considering the fact that the petitioner is languishing in custody since 13.01.2020, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of learned Additional Sessions Judge-II-cum- Special Judge, Excise Act, Gopalganj in connection with Phulwariya P.S. Case No. 274 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Additional



Sessions Judge-II-cum-Special Judge, Excise Act, Gopalganj in connection with Phulwariya P.S. Case No. 274 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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