

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17429 of 2020**

Arising Out of PS. Case No.-29 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

Shiv Kumar Yadav, aged about 25 years, Gender Male, S/o Late Ramshakal
Yadav Resident of Village-Birpur, P.S.-Lalmaniya, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 29-05-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Subhash Kumar Jha, learned counsel for
the petitioner and Mr. Anant Kumar 1, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with G.O.
Case No. 29 of 2020 dated 16.02.2020 instituted under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that 333
litres of Nepali liquor has been recovered from two motorcycles,
one of which was being driven by him.

5. Learned counsel for the petitioner submitted that
both the motorcycles did not belong to the petitioner and he has



been falsely implicated just because his residence is near the place from where recovery has been shown. It was further submitted that the petitioner was arrested and the other person is alleged to have run away. Learned counsel submitted that though the recovery shown is of 333 litres of Nepali liquor, but it has not been stated as to what quantity was recovered from the motorcycle of the petitioner. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 16.02.2020.

6. Learned APP submitted that the petitioner was caught with Nepali liquor.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, 2nd-cum-Special Judge, Excise Act, Madhubani in G.O. Case No. 29 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court



that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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