

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18137 of 2020

Arising Out of PS. Case No.-74 Year-2020 Thana- BARHARIA District- Siwan

GULTHAN YADAV @ GULTHAN CHAUDHARY S/o Late Mangru Chaudhary R/o village- Barahani Bazar, P.S.- Siwan (Muffasil), District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP
Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-05-2020 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 Shambhu Prasad Yadav, the learned counsel appearing for the petitioner and Shri Ashok Kumar, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Barharia P.S. Case No. 74 of 2020 for the offence punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 34(b)/36/ 38 of Bihar Excise & Prohibition Act, 2016.

The allegation is regarding recovery of 30 liters of illicit Mahua liquor from 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 an accused in two other cases, but he is on bail in the said two cases. Lastly, it is submitted that the petitioner is languishing in custody since 01.03.2020.

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 taking into account the fact that the petitioner is languishing in custody since 01.03.2020, 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 District and Sessions Judge-II cum Special Judge (Excise), Siwan in connection with Barharia P.S. Case No. 74 of 2020.

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/- with two sureties of the like amount each, within a period of four weeks,



to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge (Excise), Siwan in connection with Barharia P.S. Case No. 74 of 2020, 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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