

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18173 of 2020**

Arising Out of PS. Case No.-101 Year-2019 Thana- KASHICHAK District- Nawada

SURESH YADAV @ SURESH PRASAD Son of Khublal Yadav @  
Rameshwar Prasad Resident of Village- Uprawan, P.S.- Kashichak, District-  
Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Man Mohan Kumar, Adv.  
For the Opposite Party/s : Mr. Ashok Kumar, APP  
Mr.Renu Kumari

**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 Man Mohan Kumar, 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 Kashichak P.S. Case No. 101 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of about 202 liters of illicit country made mahua wine from the field 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 submitted by referring to paragraph no. 7 of the present petition that the said field from where the alleged recovery of illicit liquor is stated to have been made does not belong to the petitioner but to one Kaushaliya Devi and her grand son namely Balmukund Murari. It is further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. Lastly, it is submitted that the petitioner is languishing in custody since 31.01.2020.

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 taking into account the fact that the petitioner is languishing in custody since 31.01.2020, 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 District Judge-II cum Special Judge (Excise), Nawada in connection with Kashichak P.S. Case No. 101 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/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Additional District Judge-II cum Special Judge (Excise), Nawada in connection with Kashichak P.S. Case No. 101 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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