

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19551 of 2020

Arising Out of PS. Case No.-303 Year-2019 Thana- MANJHAGARH District- Gopalganj

Bhola Yadav @ Bhola Kumar Yadav, aged about 30 years, Gender, Male, Son of Surendra Yadav, Resident of Village - Dharamparsa, P.S.- Manjhagarh, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gautam Kumar Yadav, Advocate
For the State : Mr.Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-06-2020 Heard the parties through the virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defect within two weeks of normal functioning of the court after the lockdown, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in connection with Manjhagarh P.S. Case No. 303 of 2019 registered for the offences punishable under Sections 30(a), 41, 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief is that the informant of this case Anil Kumar Paswan, S.I. Manjhagarh has given a written petition to the S.H.O., Manjhagarh, stating therein that on 10.11.2019 at about 10 p.m. he along with other police forces



proceeded for patrolling duty and received a secret information that Mithun Sah, Vishal Yadav and Bhola Yadav are going to sell wine loaded with a silver colour Alto Car, he started to search the said car and reached at Manjharh Railway Station and saw a Alto Car is coming from Manjha, seeing the police vehicle three persons stopped their car on road and started fleeing police chased but they succeeded to flee away. The spy disclosed the name of fleeing persons as Mithun Sah, Vishal Yadav and Bhola Yadav. In presence of two independent witnesses Alto Car Reg. No.BR-1AA6675 was searched and total 270.36 litres illegal wine have been recovered.

Learned counsel for the petitioner submits that there is no recovery from the conscious possession of the petitioner rather petitioner has been made accused in the present case on the basis of confessional statement of co-accused. Learned counsel for the petitioner further submits that the petitioner is in jail custody since 13.03.2020.

Learned A.P.P. for the State opposed the bail petition.

Petitioner is agreed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691,



SWIFT Code: SBININBB104, State Bank of India, New Delhi
Main Branch, UPI ID: pmcares@sbi.

Considering the facts aforesaid, the above named
petitioner is directed to be enlarged on bail on furnishing bail
bond of Rs. 25,000/- (twenty five thousand) only with two
sureties of the like amount each to the satisfaction of Additional
District Sessions Judge II Cum Special Judge, Gopalganj in
connection with Manjhagarh P.S. Case No. 303 of 2019.

The bail bond of the petitioner shall be accepted by
the learned Court below on showing receipt of deposit of
Rs.30,000/- (Rupees Thirty Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

