

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19789 of 2020

Arising Out of PS. Case No.-379 Year-2018 Thana- MANJHAGARH District- Gopalganj

Bhola Yadav aged about 30 years, Gender – Male, Son of Surendra Yadav
Resident of Village- Dharamparsa, Police Station- Manjhagarh, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-06-2020 Heard Mr. Gautam Kumar Yadav , learned counsel for
the petitioner and Mr. Arun Kumar Singh, learned counsel
appearing for the State through video conferencing.

The petitioner seeks regular bail in connection with
Manjhagarh P.S. Case No. 379 of 2018 registered for the offence
punishable under Section 30(a) , 38, 41 of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner is that as per the
First Information Report the police party during the course of
patrolling reached near Mujauna Pipara and indicated two
vehicles to stop, but both the vehicles started fleeing away, but
police party chased and succeeded in stopping one vehicle



bearing Registration No. BR06P-1003 and the driver of the said vehicle was arrested. The arrested accused person also disclosed that the seized vehicle belongs to Rabindra Yadav and the Scorpio vehicle, which succeeded in fleeing away, belongs to Bhola Yadav (i.e. the petitioner). The police party recovered a total quantity of 648 liters of illicit liquor from the vehicle which was stopped by the police party.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged inasmuch as the name of the petitioner has transpired on the basis of the statement made by arrested co-accused. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession of the petitioner or the vehicle belonging to him. Learned counsel referring to paragraph no.- 8 of the bail application submits that petitioner is not the owner of the seized vehicle. Learned counsel also submits that similarly situated accused persons have been granted bail by this court, details of which are mentioned in paragraph no.- 13 of this bail application. The petitioner is in custody since 19.02.2020.

Having regard to the submissions made by the parties and taking into consideration the fact that no illicit liquor has



been recovered from the conscious possession of petitioner or the vehicle belonging to him and the petitioner is in custody since 19.02.2020 , I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge II Cum Special Judge, Excise, Gopalganj /concerned court in connection with Manjhagarh P.S. Case No. 379 of 2018 with further condition that:-

(i) that one of the bailors shall be the father of petitioner.

(ii) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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