

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20031 of 2020

Arising Out of PS. Case No.-134 Year-2020 Thana- BARACHATTI District- Gaya

1. ASHOK YADAV Son of Chandradeo Yadav Resident of Village-Kadar Chuan, Police Station-Mohanpur, District-Gaya.
2. Sitan Yadav Son of Bugar Yadav Resident of Village-Chhotki Bhamari, Police Station-Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

At the outset, the learned counsel for the petitioners undertakes to remove all the defects, as pointed out by the stamp reporter, within a period of four weeks from resumption of normal physical functioning of the Court including resumption of physical filing.

Heard the learned counsel for the petitioners and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioners seek regular bail in connection with



Barachati (Mohanpur) P.S. Case No. 134 of 2020 for the offence punishable under Sections 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 35 liters of illicit liquor from a motorcycle being driven by the petitioner.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are languishing in custody since 24.01.2020. It is further submitted that there is no compliance of Section 100 Cr. P.C. while preparing the seizure list, hence entire seizure is illegal and void.

Per contra, the learned Additional Public Prosecutor appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioners and taking into account the fact that the petitioners are having a clean antecedent and are languishing in custody since 24.01.2020, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above-named, are



directed to be enlarged on regular bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 134 of 2020.

(Mohit Kumar Shah, J)

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