

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23361 of 2020

Arising Out of PS. Case No.-19 Year-2020 Thana- GADHPURA District- Begusarai

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Maheshwar Yadav, Son of Ram Padarath Yadav, Resident of Village -
Laxmipur Bejha, Police Station - Gadhpura, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 04-11-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Gadhpura P.S. Case No. 19 of 2020 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. It is submitted by the learned counsel for the petitioner that no incriminating article has been recovered either from the possession or from the house of the petitioner. The implication of the petitioner during investigation is based merely on the ground that the person from whose house recovery of illicit liquor was made disclosed that it was the petitioner from whom he had received the illicit liquor.



4. On the other hand, learned counsel appearing for the State submitted that the petitioner is a liquor *mafia* and it was he, who had supplied illicit liquor to Rajesh Yadav from whose house 1,182 bottles illicit liquor was recovered.

5. Considering the nature of the offence, the submissions advanced on behalf of the parties as also the fact that the petitioner is in custody since 29.04.2020, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Begusarai in connection with Gadhpura P.S. Case No.19 of 2020.

6. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.



- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

sanjeet/-

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