

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22008 of 2020

Arising Out of PS. Case No.-592 Year-2018 Thana- BRAHMPUR District- Buxar

DINESH YADAV S/O Bihari Yadav R/O- Village - Balua, P.S. - Brahampur,
District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-08-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner seeks bail in Brahampur PS Case No. 592 of 2018 registered under Section 30(a) and 41 of Bihar Prohibition and Excise Act, 2016.

The allegation is that upon secret information regarding transportation and sale of illicit liquor the police conducted a raid in the village. Other co-accused persons have been apprehended and there is alleged recovery of 743 litres of illicit liquor. Against the petitioner, there is allegation that he was yet to arrive at the place for purchasing the illicit liquor.



Learned Counsel for the petitioner submits that others from whom the recovery has been made have already been granted bail in Cr. Misc. No. 11741 of 2019 and Cr. Misc. No. 15479 of 2019. The petitioner, even as per persecution case was neither present at the spot nor arrested from the place of recovery. It is a case of false implication based on apprehension and he is already in custody since 5.3.2020 upon his remand in the instant case from another judicial case.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge (Excise) Buzar in Brahampur PS Case No. 592 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

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

(Madhuresh Prasad, J)

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