

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21851 of 2020

Arising Out of PS. Case No.-260 Year-2019 Thana- HASANPUR District- Samastipur

=====

PRADEEP YADAV @ PRADEEP KUMAR YADAV, aged about 20 years,
Male, S/o Shambhu Yadav, Resident of Village- Paridah, P.S.- Hasanpur,
District- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr.Manish Jha, Advocate.
For the Opposite Party : Mrs. Sujata Yadav, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of lifting of the lockdown in the
State of Bihar.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.



The prosecution story, in brief, is that total 3259.08 liters wine is said to have been recovered from the Truck in question.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 04.03.2020. The petitioner has falsely been implicated in the present case. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 3259.08 liters wine is recovered from the Truck in question. The Truck in question does not belong to the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by the local residents as per the F.I.R. The names of the local residents, who have named the petitioner, have not been disclosed by the prosecution. The petitioner had no knowledge regarding the alleged incident. There is no recovery of any incriminating article from conscious possession of the petitioner. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.



Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur, in connection with Hasanpur P.S. Case No. 260 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

U.K./-

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

