

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22791 of 2020

Arising Out of PS. Case No.-53 Year-2020 Thana- NAWADA MUFFASIL District- Nawada

BINOD YADAV S/o Rambriksh Yadav Resident of Village- Akauna Bazar,
P.S.- Muffasil, Distt- Nawada. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-09-2020 . 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.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Muffasil PS Case No. 53 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Five liters illicit country made liquor is alleged to have been recovered from a bag in front of Vijay Petrol Pump. The prosecution case is that the same has been abandoned by the petitioner at the place.

Learned Counsel for the petitioner submits that it is a case of false implication. The petitioner's name has been unnecessarily taken in the case without any basis. He has no criminal antecedent and even as per seizure list recovery has been from the front of Vijay Petrol Pump having general public access. The petitioner cannot be



attributed with the recovered illicit liquor. The circumstances are such that no offence whatsoever would be made out under the provisions of Bihar Prohibition and Excise Act.

Learned APP has opposed the prayer for pre-arrest bail on the ground of the same being not maintainable in view of the statutory bar on pre-arrest bail under the Bihar Prohibition and Excise Act. .

Considering the submissions and the facts, this Court, in view of the parameters for considering pre-arrest bail laid down in the case of ***Ram Vinay Yadav vs. State of Bihar reported in 2019 PLJR (2) 1089 (FB)***, is inclined to accept the submission made by the petitioner's counsel for the limited purpose of grant of pre-arrest bail. The petitioner's prayer for anticipatory bail is allowed.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, 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 Act, Nawada in Muffasil PS Case No. 53 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also 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.

SNkumar/-

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

(Madhuresh Prasad, J)

