

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23230 of 2020

Arising Out of PS. Case No.-80 Year-2020 Thana- SINGHIYA District- Samastipur

JITENDRA YADAV @ JITENDRA KUMAR YADAV Son of Upendra Yadav
@ Late Upendra Yadav Resident of Village - Naudega, Balha, P.S.- Biraul,
District - Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Shama Sinha, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor representing the State via
Video conferencing.

The petitioner seeks bail in a case registered for the
offence punishable under section 414 of the Indian Penal Code
and section 30a of the Bihar Excise and Prohibition Act.

As per prosecution's case, police arrested the
petitioner while he was loading five cartons of liquor in a four
wheeler, namely, Wagon R. There is recovery of 43.875 liters of
foreign liquor from the said vehicle.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case due to business rivalry in the area. The allegation of
recovery of foreign liquor is false and the petitioner is no way
concerned with the said recovery. Nothing has been recovered
from the possession of the petitioner. The mandatory provision
of law for search and seizure given under section 100 Cr.P.C.



has not been followed. Petitioner has got no criminal antecedent and he is in custody since 11.6.2020.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II cum Special Judge, Excise Act, Samastipur in Singhiya Police Station Case No. 80/2020/GR No. 409/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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