

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23097 of 2020

Arising Out of PS. Case No.-545 Year-2019 Thana- BARH District- Patna

UDAY KUMAR YADAV S/O Mahesh Yadav @ Mahesh Prasad Resident of
Village - Hardayal Bigha, P.S.- Belchhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-09-2020 Heard Mr. Avinash, learned counsel for the petitioner
and Mr. Vinod Shankar Modi, learned Additional Public
Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Barh
P.S. Case No. 545 of 2019 registered for the offence punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2016.

The allegation against the petitioner as per the First
Information Report is that the Police on the basis of secret
information proceeded towards the place of occurrence and
found three persons out of five carrying a sack in their hands.
On seeing the Police party, they started fleeing away. The Police
chased them and apprehended one person with black colour bag
and other four persons succeeded in fleeing away leaving the



sack and bag on the ground. The said accused person disclosed his name as Rahul Kumar. He disclosed the name of accused persons including the petitioner Uday Kumar who fled away. On search, Police recovered a total quantity of 50.45 litres of foreign liquor from the sack (Bora).

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged inasmuch as no illicit liquor has been recovered from possession of the petitioner. Learned counsel further submits that the petitioner has been implicated in this case only on the basis of statement made by the arrested co-accused. Learned counsel further submits that the petitioner is in custody since 03.02.2020 i.e. for about seven months.

Having regard to the submissions made by the parties and taking into consideration the materials on record and also the fact that the petitioner has got criminal antecedent, I am inclined to grant regular bail to the petitioner after framing of charge.

Accordingly, let the petitioner, above named, be released on regular bail after framing of charge on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise, Patna, in connection with Barh P.S. Case No.
545 of 2019 on the following condition:-

(i) that the petitioner will be well
represented on each date in the trial and
if he fails to do so on two consecutive
dates, his bail bonds will be liable to be
cancelled.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

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

