

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27947 of 2020**

Arising Out of PS. Case No.-23 Year-2020 Thana- DHANKUND District- Banka

JICHCHHO YADAV S/o Fuchcho Yadav Residence of Village-Saino, P.S-  
Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vibhakar Kumar, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      04-11-2020      As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Ms. Pushpa Sinha, learned APP, is appearing as it is submitted that the brief has been allotted to her by the office of Advocate General. Her name may also be printed in the cause list.

Heard learned counsel for the petitioner and learned APP for the State .

Learned counsel for the petitioner is expected to honor his



undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Dhankund P.S. Case no. 23 of 2020 instituted for the offence under Sections 30(a) and 32(b) of the Bihar Prohibition and Excise Act, 2016.

41.440 liters of illicit country made liquor allegedly has been recovered from a sack tied to the carrier of the petitioner's motorcycle.

It is submitted by the petitioner's counsel that it is a case of false implication. No such recovery has been made. The falsity is evident from the fact that there is no compliance with Section 100 of the Cr. P.C.

Petitioner has no criminal antecedents and is in custody since 04.01.2020.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge -II, Bhagalpur, in connection with Dhankund P.S. Case no. 23 of 2020, 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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