

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25532 of 2020

Arising Out of PS. Case No.-92 Year-2020 Thana- JADOPUR District- Gopalganj

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Dharmendra Kumar Yadav, Son of Naglal Yadav, Resident of Village-
Patahara, P.S.- Yadopur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjana, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-09-2020 Since 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 APP for the State.

The petitioner seeks bail in connection with Yadavpur P.S. Case No.92 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Having no criminal antecedents, it is submitted that



the petitioner is in custody since 23.06.2020 on allegation of recovery of 60.2 litres illegal wine from the motorcycle of the petitioner.

It is submitted that it is a case of false implication. Recovery is denied and disputed altogether and it is submitted that there is no compliance with Section 100 Cr.P.C. There is no FSL report to even suggest that the recovered matter is illicit liquor.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gopalganj, in connection with Yadavpur P.S. Case No.92 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.

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

(Madhuresh Prasad, J)

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