

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30338 of 2020

Arising Out of PS. Case No.-24 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

SHANKAR KUMAR @ SHANKAR YADAV S/o Ratan Yadav Resident of
Village- Akaunadih, P.S.- Muffasil, District- Nawada.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-12-2020

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.

Mr. Rajiv Nayan, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

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 seeks bail in Muffasil PS Case No. 24 of 2019 registered under Section 30(a)(d) of Bihar Prohibition and Excise Act, 2016.

Total 603 liters of illicit liquor is said to have been recovered from various places. It is alleged that the petitioner along with other co-accused have kept the same for trading.

Learned Counsel for the petitioner submits that even as



per prosecution case recovery is not from the petitioner's possession or property. It is only on suspicion that he has been implicated in the instant case. In a similar manner he has also been implicated in three other cases mentioned in para 3 in which cases he is already on bail. Subsequent upon his remand on 23.6.2020 he is in continuous custody.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named 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, Nawada in Muffasil PS Case No. 24 of 2019 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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