

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.32818 of 2020**

Arising Out of PS. Case No.-126 Year-2019 Thana- FULKAHA District- Araria

Amlesh Kumar Yadav, S/o Nago Yadav @ Nageshwar Yadav, Resident of  
Village- Uttar Madhura, P.S.- Fulkaha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate  
For the Opposite Party/s : Mr. Zainul Abadin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

2      08-12-2020                      Heard learned counsel for the parties through Video Conferencing.

Petitioner seeks bail in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 81 liters of Nepali wine was recovered from the possession of two co-accused persons, namely, Chandan Kumar and Ambren Kumar Yadav, who disclosed the name of this petitioner, on whose instruction the illegal wine was brought by them.



It is submitted on behalf of the petitioner that nothing has been recovered from the physical possession of the petitioner and the name of the petitioner has come on the basis of the confessional statement of co-accused. Petitioner is in custody since 16.05.2020 and charge-sheet has already been submitted.

However, learned A.P.P. for State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Araria in Special Case No. 1009 of 2019 arising out of Fulkaha Police Station Case No. 126 of 2019, 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)**

Ankit/-

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