

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31874 of 2020

Arising Out of PS. Case No.-174 Year-2020 Thana- GRIYAK District- Nalanda

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Rupa Yadav, S/o Late Jawahar Yadav, Resident of village-Nichali Bazar
Giriyak, P.S.-Giriyak, District-Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Upendra Kumar, Advocate
Kumari Sujata Sinha, Advocate
For the Opposite Party : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-12-2020 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State via video

conferencing.

2. The petitioner seeks bail in connection with
Giriyak P.S. Case No.174 of 2020 registered under Sections
147, 149, 337, 353, 504 of the Indian Penal Code and Sections
30(a) and 33 of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. It is contended by the learned counsel for the
petitioner that on perusal of the first information report itself, it
would be evident that so far as recovery of 50 liters spirit from
one gallon is concerned, the allegation is confined against two
sons of the petitioner namely, Jitendra Yadav and Ajay Yadav.
There is no allegation in the first information report that the



petitioner was, in any way, involved either in possession or transportation of illicit liquor. His name has been given in the first information report with allegation that when the police tried to intercept the sons of the petitioner, he started brick-batting upon the police party. He contended that the allegation made against the petitioner is absolutely false. The petitioner is an aged person. There is no injury to any police personnel. His name has been given in the first information report only with a motive to humiliate and harass the entire family.

4. Learned counsel for the State has opposed the application for grant of bail to the petitioner.

5. Considering the nature of offence, the allegation made against the petitioner, the submissions advanced at the Bar and the period of over five months undergone by the petitioner in custody, he is directed to 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 3rd District and Sessions Judge-cum-Special Judge, Excise, Nalanda at Biharsarif in connection with Giriyak P.S. Case No.174 of 2020.

6. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been



restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.

(iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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