

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74239 of 2019**

Arising Out of PS. Case No.-115 Year-2018 Thana- FULKAHA District- Araria

CHANDAN KUMAR YADAV @ CHANDAN YADAV Son of Kalanand
Yadav @ Kalyan Yadav Resident of Village-Manikpur, P.S-Fulkaha, District-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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

4 12-05-2020 Heard.

The proceeding has been conducted through video conferencing.

The petitioner, who is languishing in custody since 5.9.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

The prosecution case, as per the self statement of S.I. Chandra Kishore Tuddu, SHO, Fulkaha Police Station, recorded on 2.7.2018 at 2.15 P.M., is to the effect that on the same day at 12.15 P.M., a secret information was received that the petitioner and co-accused Pappu were carrying liquor on motorcycle.



Consequently, a raiding team was constituted and as soon as the informant along with raiding team reached near the house of Ramesh Yadav, two persons were seen carrying two jute bags on a motorcycle but seeing the police, the said two persons, leaving the motorcycle, at the spot, managed to escape. The local chowkidar and the villagers identified the escaped persons as co-accused Pappu Yadav and Chandan Yadav (the petitioner). It is alleged that from the two bags in question, 100 litres of Nepali liquor were recovered leading to registration of the present FIR.

From the pleadings made on behalf of the petitioner in the petition, it appears that actual recovery has been made from the possession of the petitioner though the petitioner is accused in three other cases of similar nature.

Learned APP, after going through the case diary, submits that the petitioner is accused in three other cases of similar nature. Moreover, the petitioner managed to escape from the scene.

Considering the fact that the materials on record neither suggest recovery from the conscious physical possession of the petitioner nor the fact that the motorcycle in question has been found registered in the name of the petitioner and the fact



that the investigation has already been concluded coupled with the period in custody, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 2nd Addl. Sessions Judge-cum-Special Judge, Araria in connection with Special Case No. 766 of 2018 arising out of Fulkaha P.S. Case No.115 of 2018.

However, in view of the present pandemic Covid-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Adhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Addl. Sessions Judge-cum-Special Judge, Araria in connection with Special Case No. 766 of 2018 arising out of Fulkaha P.S. Case No.115 of 2018 including one surety given at the time of provisional bail.

Since the petitioner is accused in three similar cases,



the learned Court below will be at liberty to cancel the bail bonds if the petitioner gets substantially involveed in offences of similar nature.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lockdown is not over in three months.

(Dinesh Kumar Singh, J)

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