

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85149 of 2019

Arising Out of PS. Case No.-701 Year-2019 Thana- DANAPUR District- Patna

HARI YADAV Son of Sarbanand Yadav @ Sarbanand Singh @ Sabanand
Yadav Resident of Village - Daudpur, P.S.- Shahpur, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-01-2020 Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner, who is in custody, seeks bail in a case registered under Section 30(a) and 37(b)(c) of Bihar Prohibition and Excise Act, 2016 in connection with Danapur PS Case No. 701 of 2019.

Certain co-accused persons have been apprehended in intoxicated condition. 259 liters of wine is said to have been recovered from the Maruti Suzuki. It is alleged that the petitioner was apprehended while fleeing.

Counsel for the petitioner submits that the recovery even as per prosecution is not from the possession of the petitioner but from the vehicle. Being bonafide passer by he has falsely been implicated in this case on suspicion. Petitioner has



no criminal antecedent and there is no allegation of his being apprehended in intoxicated condition. Petitioner is in custody since 11.9.2019.

In 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 his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Patna in Danapur PS Case No. 701 of 2019 subject to the 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 in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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