

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16477 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- BAIRIYA District- West Champaran

Umesh Yadav, son of Sri Harishankar Yadav, resident of village- Bargachhiya,
P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-10-2021 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor (for short 'APP') for

the State.

Learned counsel for the petitioner is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by office when called upon to do

so by the office.

The petitioner seeks bail in Bairiya P.S. Case

No. 35 of 2020 instituted for the offence under Section

30(a) of the Bihar Prohibition & Excise Act.

It is alleged that some illicit liquor was being



loaded on a motorcycle and on seeing the police personnel, the persons loaded the liquor have fled away. There is recovery of 43.560 of illicit liquor.

The counsel for the petitioner submits that petitioner has become the victim of a false implication due to his alleged involvement in nine other cases as per disclosure made in para 3 of the petition. The recovery is not in accordance with the mandatory procedure under Section 100 of the Cr.P.C. The petitioner is in custody since 19.10.2020.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned Special Judge, Excise, West Champaran at Bettiah in connection with Bairiya P. S. Case No. 35 of 2020, 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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