

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16563 of 2021

Arising Out of PS. Case No.-199 Year-2020 Thana- ATRI District- Gaya

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Mahesh Yadav @ Mahesh Prasad, Son of Sarjug Yadav, Resident of Village -
Narawat, P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-10-2021 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Atri P.S.
Case No.199 of 2020 registered for the offence punishable
under Section 272/273 of the Indian Penal Code and Section
30(a)(d) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

15 litres *Mahua* wine, 15 Kg. Gas cylinder, wine
manufacturing utensils and 1300 litres. *Jawa Mahua* have been
recovered from river bank where the police have upon receiving
information regarding manufacturing of illicit wine raided the
place.



Petitioner's counsel submits that as per the prosecution case, the petitioner has not been arrested at the time and place of the alleged recovery. Recovery is from the river bank which is accessible to one and all. It is further submitted that the petitioner has been arrested much later, four days of the alleged recovery, i.e. on 07.10.2020. Merely on the basis of his criminal antecedents, he has been implicated in this case and continues to be in custody since 07.10.2020.

Learned APP for 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 learned Special Judge, Excise, Gaya, in connection with Atri P.S. Case No.199 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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