

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17389 of 2021**

Arising Out of PS. Case No.-306 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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BIRJESH KUMAR YADAV @ BRIJESH KUMAR YADAV @ BIRJESH
YADAV SON OF SANTOSH YADAV RESIDENT OF VILLAGE-
KALYANPUR, WARD NO.11, POLICE STATION-BHORE, DISTRICT-
GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Anand Mohan Pd. Mehta, APP

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

2 08-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned

A.P.P for the State.

The petitioner seeks bail in Excise Case No. 306 of

2020, registered for the offence punishable punishable under

Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

80 litres of country made liquor has been recovered

from motorcycle of the petitioner.

It is submitted that no recovery has been made from

conscious possession of this petitioner. Motorcycle in question

does not belong to this petitioner and petitioner was simply a



pillion rider. Petitioner is in custody since 05.11.2020 having no criminal antecedent, as stated in para 3 of the petition.

Considering the fact that no recovery has been made from conscious possession of the petitioner and bears clean antecedent, the petitioner above-named, is directed to be enlarged 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 IInd Additional Sessions Judge-cum-Special Judge (Excise Act), Gopalganj in connection with Excise Case No. 306 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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