

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18238 of 2021**

Arising Out of PS. Case No.-389 Year-2020 Thana- KOTWA District- East Champaran

AKHALESH YADAV @ AKHILESH YADAV SON OF TULAN YADAV
Resident of Village - Laxamanwa, P.S.- Katwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Krishna Kant Singh, Advocate
For the Opposite Party/s : Ms Anita Kumari Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 26-10-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar.

The petitioner seeks bail in Kotwa Police Station (for brevity, PS) Case No 389 of 2020 instituted for the offence punishable under Sections 272, 273/34 of Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act.

800 liters of illicit spirit has allegedly been recovered from the house of co-accused Rupesh Yadav. Petitioner has been arrested later based on identification that he was among four persons who fled away at the time and from the place of recovery.

Learned counsel submits that the petitioner's



identification is baseless. Even, as per prosecution case, he was not arrested at the time and place of recovery nor there is any recovery from the petitioner. He is having no criminal antecedent and is in custody since 27.11.2020.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, East Champaran, Motihari in connection with Kotwa PS Case No 389 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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