

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18647 of 2021

Arising Out of PS. Case No.-772 Year-2020 Thana- AKBARPUR District- Nawada

Shankar Yadav, aged about -31 years, Male, Son of Hira Yadav resident of
Village- Lohsinghna, P. S.- Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Adv.
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-11-2021 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 Akbarpur P S Case No. 772 of
2020 instituted for the offence under Section 30(a)(c) of the
Bihar Prohibition and Excise Act, 2016.

A raid has been conducted in the various area leading to
recovery of 2600 litres *Mahua* solution and 100 litres of country
made *Mahua* liquor. The implication of the petitioner along with
co-accused Naresh Yadav is based on the statement of local
persons that they were indulging in manufacture.



Petitioner's counsel submits that in a similar manner, he has earlier been implicated in two more cases, as per disclosure made in paragraph No.3 of the bail petition. He is on bail in both the cases. In the instant case, he is in custody since 23.12.2020. Submission is that recovery is not in accordance with law and the identification of the petitioner is doubtful.

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 Additional Sessions Judge-II-cum-Special Judge Nawada, in connection with Akbarpur PS Case No. 772 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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