

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36521 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

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AMIKA YADAV Son of Asesar Yadav Resident of Village - Bhagwanpur,
Police Station - Nautan, District - Betiya @ Bettiah @ West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Setu Prateek, Adv.

Mrs.Sanjana, Adv.

For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Vishambharpur P.S. Case No.43 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2018.

Altogether 234.00 liters of illegal liquor was recovered from the tractor and the trolly. It is alleged that one Rajesh Yadav was driving the tractor and the petitioner was sitting on



the trolly.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. No incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case due to dirty village politics and personal grudge with the local police. Petitioner is not the owner of the tractor and he has no concern with the alleged recovery and in fact he was not even driving the said tractor. He is a daily wage earner and was working as a helper of the co-accused and had no information about the alleged recovered consignment of the liquor. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 08.04.2021.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd cum Special Judge, Excise Act, Gopalganj, in connection with Vishambharpur P.S. Case No.43 of 2021, with the following conditions:-

(1) 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 petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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