

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36687 of 2021

Arising Out of PS. Case No.-196 Year-2019 Thana- FULKAHA District- Araria

SHARWAN YADAV @ SHRAWAN YADAV Son of Late Yoganand Yadav @
Yogan Yadav Resident of Village - Manikpur, P.S.- Fulkaha, District - Araria.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-08-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Special Case No. 1604 of 2019, arising out of Fulkaha Police
Station Case No. 196 of 2019, registered for the offences
punishable under Sections 30(a)/41(1)/45 of the Bihar
Prohibition and Excise Act, 2016.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
10.02.2021, passed in Criminal Misc. No. 40151 of 2020, giving
liberty to the petitioner to renew his prayer for bail after two
months from the date of the order.

The prosecution story, as per the First Information
Report, is that one car was intercepted by the police, which was



being driven by co-accused Pawan Kumar Yadav and a total quantity of 270 litres of illicit liquor was recovered from the said car and co-accused Pawan Kumar Yadav has disclosed that the petitioner and two other persons were acting like a liner.

Learned Counsel for the petitioner submits that the name of the petitioner transpired on the basis of the confessional statement of co-accused Pawan Kumar Yadav and no illicit liquor has been recovered from the conscious possession of this petitioner. He further submits that the petitioner is in custody since 28.09.2020 and charge sheet has been submitted in this case and as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.

Regard being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 28.09.2020, charge sheet has been submitted in this case, the trial is not likely to be concluded in near future due to COVID-19 pandemic and this the second attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail,



upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Araria, in connection with Special Case No. 16.04 of 2019, arising out of Fulkaha Police Station Case No. 196 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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