

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 37229 of 2021**

Arising Out of PS. Case No.-140 Year-2021 Thana- JAYNAGAR District- Madhubani

PANDAV YADAV SON OF RAM ASHIS YADAV Resident of Village -
Kuadh Ward No.5, P.S.- Jainagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ravi Prakash, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 13-12-2021 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 Jai Nagar Police Station
(for brevity, *PS*) Case No 140 of 2021 dated 12.05.2021, GR No
794 of 2021 instituted for the offence punishable under Section
414 of Indian Penal Code and Section 30 (a) of Bihar
Prohibition and Excise Act, 2016.

1029 liters of foreign liquor and 47.660 liters of
Nepali wine has been recovered from an asbestos hut near the
petitioner's house.

Learned counsel for the petitioner submits that the hut
from which recovery has been made belongs to the petitioner.



However, it is near the road and accessible to one and all. He cannot be held liable for the recovery in question. He has no criminal antecedent and is in custody since 13.05.2021. Till date, it has not been ascertained that the motorcycle, allegedly recovered, was stolen.

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 Act, Madhubani in Jai Nagar PS Case No 140 of 2021 dated 12.05.2021, GR No 794 of 2021 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)

M.E.H./-

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