

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 37549 of 2021**

Arising Out of PS. Case No.-49 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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DHANANJAY YADAV @ DHANANJAY KUMAR @ DHANANJAY
KUMAR YADAV Son of Late Shankar Prasad Yadav Resident of Village-
Koyla Ghat, P.S.- Jogsar, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Rajesh Kumar, Advocate

For the Opposite Party/s : Ms Pushpa Sinha 1, APP

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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 Bhagalpur (Barari) Excise
Case No 49 of 2021 dated 21.03.2021 instituted for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
Act, 2016.

Two bottles of illicit liquor, containing 375 ml each,
has been recovered while the petitioner's motorcycle was caught
in the course of routine checking. It is alleged that upon his
disclosure, the police party has recovered 90.09 liters of foreign
liquor and 113 liters of beer from co-accused from whom it is



alleged that the petitioner has brought the liquor.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely because of the fact that he has earlier been made accused in a case registered under the Excise Act being Kotwali PS Case No 1015 of 2019. The petitioner has no concern with the motorcycle in question and the recovery is not in accordance with law. It is stated that for recovery of such small quantity, from his alleged possession, the petitioner is in custody since 21.03.2021.

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, Bhagalpur in Bhagalpur (Barari) Excise Case No 49 of 2021 dated 21.03.2021 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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