

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38354 of 2021

Arising Out of PS. Case No.-51 Year-2021 Thana- BITHAN BAZAR District- Samastipur

Arvind Yadav @ Aman Kumar Amar @ Aman Kumar Aman Son of Late Shivagee Yadav @ Late Shivjee Yadav Resident of Village Kelwari, P.S. Bithan, District - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.Kanhaiya Kishore(APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bithan P.S. Case No. 51 of 2021, registered for the offence under Section 30(a) / 30(f) of Bihar Prohibition and Excise Act.

487 liters & 380 ml. of illicit foreign liquor has been recovered from the house of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. The recovery has been made from the house, which is in joint possession of the family. Petitioner is in custody since 29.03.2021.

Learned A.P.P. for the State has opposed the bail petition.



Considering the nature of allegation and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Additional Sessions Judge 2nd cum Special Judge, Excise Act, Samastipur in connection with Bithan P.S. Case No. 51 of 2021 (Reg. No. 357 of 2021), on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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