

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39617 of 2021

Arising Out of PS. Case No.-141 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

Ashok Yadav S/O Lallan Yadav R/O Village-Tamkohi Road, P.S. Seorahi,
District-Kushinagar, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 05-10-2021 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor for the State.

The petitioner seeks bail in Excise Case No. 141 of
2021, registered for the offence under Section 30(a) of Bihar
Prohibition and Excise Act.

65 liters & 880 ml. of illicit foreign liquor has been
recovered from a car and this petitioner, who was driver of the
said car, was arrested on the spot.

It is submitted on behalf of petitioner that nothing has
been recovered from the conscious possession of the petitioner.
Petitioner, being driver of the car, was unaware about the nature
of consignment and was simply following the instruction of the
owner. Petitioner claims clean antecedent and he is in custody
since 23.04.2021.



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

Considering the nature of allegation, clean antecedent 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 Addl. District and Sessions Judge – II, Gopalganj in connection with Excise Case No. 141 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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