

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40936 of 2021**

Arising Out of PS. Case No.-174 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

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Amaresh Yadav @ Amresh Yadav Son Of Late Lagandev Yadav @ Lagan
Yadav Resident Of Village- Semara @ Semra, P.S.- Jadopur, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 08-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove
the defects, as pointed out by the office, within four weeks of
resumption of normal court proceeding. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner seeks bail in connection with
Vishambharpur P.S. Case No. 174 of 2020 registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act.

It is submitted by learned counsel for the petitioner that
no incriminating article has been recovered from the conscious



physical possession of the petitioner rather 43.600 liters of illegal foreign liquor is said to have been recovered from the plastic bag kept on the motorcycle which is not belongs to the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that name of the petitioner has transpired upon the confessional statement of the apprehended accused persons which has no evidentiary value in the eye of law. Petitioner has one criminal antecedent as has been mentioned in para-3 of this bail application and he is languishing in custody since 28.06.2021.

Petitioner is agreed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar bearing Account No.2065104000002257, IFSC Code: IFSC Code: IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/successor Court in connection with Vishambharpur P.S. Case No. 174 of 2020 subject to following conditions:



(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000/- (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

GAURAV S./-

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