

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41395 of 2021**

Arising Out of PS. Case No.-35 Year-2021 Thana- SANHAULA District- Bhagalpur

Mohan Kumar Yadav @ Mayank S/O Vijendra Yadav R/O Village-
Dhamsaina, P.S-Sour Bazar, District-Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan ,App

**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 Sanhaula P.S. Case No. 35 of 2021(Special Excise Case No. 449 of 2021) 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 total 102 liters of



foreign and country made liquor is said to have been recovered from the Tempo bearing registration No. BR 10 G 6678. He submits that petitioner is the driver of the said vehicle having no knowledge of the seized articles. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. Petitioner has no criminal antecedent as has been mentioned in para-3 of this bail application and he is languishing in custody since 25.03.2021.

Petitioner is agreed to deposit a sum of Rs. 15,000/- (Rupees Fifteen 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 Sanhaura P.S. Case No. 35 of 2021 (Special Excise Case No. 449 of 2021) 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. 15,000/- (Rupees Fifteen Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

GAURAV S./-

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