

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39310 of 2020

Arising Out of PS. Case No.-150 Year-2020 Thana- FATEHPUR District- Gaya

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AASHISH YADAV S/o Ramfal Yadav R/o Village- Dundu, P.S.- Fatehpur
(Gurpa O.P.), Distt- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-02-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Fatehpur PS Case No. 150 of 2020 registered under Sections 30(a), 32(2) of Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

204 liters of illicit liquor has been recovered from a pickup van in question.

Learned Counsel for the petitioner submits that even as per prosecution case he was sitting on the front seat of the pickup van. He has no criminal antecedent. He is in custody since 11.7.2020. There is no forensic opinion to support that the recovered substance was an intoxicant.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and



circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Gaya in Fatehpur PS Case No. 150 of 2020 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.

(Madhuresh Prasad, J)

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