

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39306 of 2020

Arising Out of PS. Case No.-60 Year-2020 Thana- ALIPUR District- Gaya

Babli Devi Wife of Jairam Yadav Resident of Village- Akbarpur, P.S.- Alipur,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha, Advocate
For the State : Ms. Meena Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Alipur PS Case No. 60 of 2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

From the house of the petitioner 89.700 litres of illicit liquor is said to have been recovered.

Learned counsel for petitioner submits that it is a case of false implication. Recovery is from the house and not from conscious possession of the petitioner and the same is in contravention of section 100 Cr PC. The petitioner has no criminal antecedents and is in custody since 04.09.2020.

The learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, let the petitioner, above named, 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 the learned Special Judge, Excise Act, Gaya, in connection with Alipur PS Case No. 60 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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