

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39267 of 2020**

Arising Out of PS. Case No.-150 Year-2020 Thana- RAJAOLI District- Nawada

CHHOTU YADAV S/o Uday Yadav R/o Village- Hathochak, P.S.- Rajauli,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Birendra Kumar, Advocate

For the Opposite Party/s : Mr Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Rajauli Police Station (for
brevity, *PS*) Case No 150 of 2020 dated 18.04.2020 instituted
for the offence punishable under Sections 30 (a)/41 of Bihar
Prohibition and Excise Act, 2016.

320 liters of country made liquor has been recovered
from a vehicle from which it is alleged that the petitioner has
been identified fleeing away. Upon his surrender, the petitioner
is in custody since 06.09.2020. He has no criminal antecedent
and it is further submitted that the seizure is not in accordance
with Section 100 of Criminal Procedure Code.

Learned APP has opposed the prayer for bail.



Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Nawada in Rajauli 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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