

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 460 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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ASHOK KUMAR @ ASHOK YADAV Son of Kameshwar Yadav Resident of
Village - Madba, P.S.- Pakribarama, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Kumar Sunil, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 04-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Complaint Case No 206
C2 of 2020 instituted for the offence punishable under Section
30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that while
the petitioner was driving a truck, oblivious of the contents
loaded thereon, the same has been stopped and from it, 1746
liters of Indian Made Foreign Liquor has been recovered. It is
submitted that the petitioner has no concern with the contents
and has become victim of the circumstances. There is no
compliance of Section 100 of Criminal Procedure Code. It is
also submitted that there is no forensic opinion to support the
allegation regarding the liquor being an intoxicant.

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, Excise, Jamui in Complaint Case No 206 C2 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)

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