

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54801 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- BARH District- Patna

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MADAN YADAV S/O RADHEY YADAV RESIDENT OF VILLAGE-
BARAPAR, P.S. BARH, DISTRICT-PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Adv
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-10-2021 The petitioner's counsel had filed a slip for out of turn listing of the matter which was listed down below on the cause list of this Court at Serial No.2940 dated 27.09.2021. The reason for urgency was stated to be the fact that the petitioner was an applicant for appearing at the competitive examination being conducted by the Staff Selection Selection Commission commencing from 05.10.2021, as per photocopy of Admit Card attached with the mentioning slip.

Two other slips were also filed on behalf of the others for listing of two other cases which were also listed down below on the cause list of this Court on the same ground that the said petitioners are applicants for appearing at the same competitive examination. They are numbered as Cr. Misc. No.29711 of 2021 and Cr. Misc. No.43143 of 2021.



This Court was inclined to accept the reason for consideration of the matter out of turn.

To condole the sad demise of some members of the Bar, a Full Court Reference was scheduled at 1:15 pm on 1.10.2021 and Courts were sitting only in the first half. Therefore, the matter could not have been listed in the second half when bail matters were assigned to this Court, and could only be listed in the first half; when the roster assigned to this Court was Second Appeals.

Matter was therefore placed before Hon'ble the Chief Justice for permission for listing of the matter in the first half. After permission of Hon'ble the Chief Justice, matter was listed on 1.10.2021 on priority basis in the first half for consideration. The other two cases, bearing Cr. Misc. No. 29711 of 2021 and Cr. Misc. No.43143 of 2021, were also similarly listed for consideration.

The petitioner's counsel on that day submitted that he would be furnishing the requisite undertaking, for which the matter was adjourned to today. Undertaking has already been submitted by way of supplementary affidavit.

Petitioner seeks bail in connection with Barh P.S. Case No. 119 of 2021 registered under Section 30(a) of the



Bihar Excise and Prohibition Act, 2018.

112.5 litres illicit liquor has been recovery from an open field and the allegation is that the same was brought there by the petitioner for selling.

It is submitted by the petitioner's counsel that petitioner is not arrested at the time and place of recovery. He has no criminal antecedent and he is in custody since 5.8.2021. It is submitted that recovery is from open field which is accessible to one and all so petitioner cannot be held responsible.

Learned APP has opposed the prayer for bail

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. 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 Act, Patna in Barh P.S. Case No. 119 of 2021, 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.

In view of urgency on account of the examination which is to commence from 5.10.2021, order be communicated without any delay.

(Madhuresh Prasad, J)

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