

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.860 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- PAHARPUR District- East Champaran

SANJAY YADAV S/o Amardeo Yadav R/o village- Nauwadih Ahir Toli, P.S.-
Paharpur, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-03-2021 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 Paharpur PS Case No. 238 of 2020 registered under Sections 30(a), 33 and 36 of Bihar Prohibition and Excise Act, 2016.

The petitioner is one amongst five persons, who have allegedly stored 220 liters country made liquor for its trade.

It is submitted by learned Counsel for the petitioner that recovery is from the field of co-accused Ram Lochan Das, having general public access, for which no criminality can be attributed to the petitioner. The petitioner is accused earlier of two more cases under the Bihar Prohibition and Excise Act, and on account of his criminal antecedents he has falsely been implicated in this case, though there is no recovery from his possession nor has he been arrested from the place from where recovery has been made.



Petitioner is in custody since 23.9.2020.

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 2nd Additional Sessions Judge -cum- Special Judge, Excise, East Champaran, Motihari in Paharpur PS Case No. 238 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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