

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4567 of 2021

Arising Out of PS. Case No.-478 Year-2020 Thana- NARPATGANJ District- Araria

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SANJAY YADAV S/o Dasrath Yadav @ Dashrath Yadav R/o village- Bela,
Ward No. 08, P.S.- Narpatganj (Basmatiya O.P.), Distt.- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 . In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP 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 Narpatganj (Basmatiya O.P.) PS Case No. 478 of 2020 registered under Sections Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

3.9 liters of cough syrup namely Dialex DC codeine along with 1230 piece Spasmo Proxyvon tablets have been recovered from the petitioner.

It is submitted by learned Counsel for the petitioner that that having no criminal antecedent he is in custody since 20.10.2020 on such false implication. He was a bonafide passersby and has falsely been implicated by obtaining signature on a plain paper. There



is no compliance with mandatory procedure for search and seizure.

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 Act, Araria in Narpatganj (Basmatiya O.P.) PS Case No. 478 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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