

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11065 of 2021**

Arising Out of PS. Case No.-49 Year-2020 Thana- VIJAYEPUR District- Gopalganj

Rajendra Yadav aged about 62years, (Male) son of Chandrika Yadav,
Resident of village- Nanopakad, Phaula Chak, police Station Vijaypur
District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Arvind Kumar Advocate
For the State : Mr. Yogendra Kumar APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 07-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2 Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Heard learned counsel for the petitioner and learned counsel for the State

4. The petitioner seeks bail in Vijaypur PS Case No. 49 of 2020 instituted for the offence under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

5. From behind the petitioner's house there is alleged recovery of 26.800 litres of illicit country made liquor.

6. The learned counsel for the petitioner submits that it is a case of false implication. The petitioner has no criminal antecedents. He is 62 years old and, even as per the prosecution



case, the recovery is from behind the house and no criminal liability can be fastened on the petitioner. He is in custody since 25.11.2020.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Addl. Dist and Sessions Judge-II-cum –Spl. Judge, Excise Act, Gopalganj,** in connection with **Vijaypur PS Case No. 49 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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