

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48082 of 2021

Arising Out of PS. Case No.-202 Year-2019 Thana- BIBHUTIPUR District- Samastipur

Tulsi Yadav, Son of Musharu Yadav, Resident of Village - Yagidih, Ward
No.12, P.S.- Khodabandpur, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Dhar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Vibhutipur P.S. Case No.202 of 2019 registered for the offence
punishable under Sections 272, 273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of huge quantity
of illicit liquor from a pick-up van and it is alleged that the
accused persons had managed to flee away from the spot.

Petitioner's counsel submits that the petitioner is
innocent and has been falsely implicated in the present case. It is
further submitted that the said pick-up van from which illicit
liquor has been recovered, does not belong to the petitioner.
Moreover, no recovery has been made either from the



possession of the petitioner or from his house, hence the offence under the Bihar Prohibition and Excise Act, 2016 is not attracted. Petitioner is having clean antecedents and is in custody now since 04.04.2021. It is further submitted that similarly situated co-accused, namely, Madhesh Singh @ Madhesh Kumar has been allowed anticipatory bail in Cr.Misc. No.74308 of 2019, vide order dated 16.12.2019.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions based on parity with other similarly situated co-accused, and also the fact that no recovery has been made from the conscious possession of the petitioner; 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.

Accordingly, 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 2nd ADJ-cum-Special Judge, Excise Act, Samastipur, in connection with Vibhutipur P.S. Case No.202 of 2019, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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