

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64831 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Arun Yadav @ Arun Gope, aged about 53 years, Gender- M, Son of Rama Gope R/v- Ghasiyari Tola, Sudarshan Path, P.S.- Chowk, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vijay Kumar Sinha, Adv.
For the State	:	Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned counsel for the State.

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.

The petitioner seeks bail in *Special Case No. 3380 of 2020, Chowk PS Case No. 173 of 2020*, instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

On secret information regarding storage of illicit liquor, the police have reached the place to verify the allegations and recovered 74.8 liters illicit liquor from below the Rail over bridge. On investigation, the local people have stated that the



three persons, who were fleeing from the place of recovery and who had stored the liquor there were, Binod Kumar, Guddu and the instant petitioner.

It is submitted by the petitioner's counsel that recovery is from an open place, having general public access and implication is based only on statement of some local people which has no veracity. He has been in custody since 08-09-2021 in this case. He is already on bail in the two cases pending against him, since before, as per disclosure made in para 3 of the bail petition.

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

Having regard to the period of custody and the manner in which the petitioner has been implicated based on recovery from an open place, 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 bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned *Special Judge, Excise Act, Patna*, in connection with *Special Case No. 3380 of 2020, Chowk PS Case No. 173 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)

shyambihari/-

U			
---	--	--	--

