

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65122 of 2021**

Arising Out of PS. Case No.-167 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

JITENDRA YADAV Son of Tuntun Yadav Resident of Village - Sisawan,
P.S.- Bishambharpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Mahendra Thakur, Advocate
For the Opposite Party/s : Mr Atul Chandra, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar.

The petitioner seeks bail in Mohammadpur Police Station (for brevity, PS) Case No 167 of 2021 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 198.72 liters foreign liquor from the dickey of the car. Petitioner is stated to be the driver of the car.

Petitioner's counsel submits that the petitioner is the driver performing his professional duty. He was unaware that the illicit liquor was kept in the dickey which he was asked to



drive. He has remained in custody since 14.08.2021 and has no criminal antecedent.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody, fair antecedent and the fact that investigation is complete, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Gopalganj in Mohammadpur PS Case No 167 of 2021 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.

Learned counsel for the petitioner is expected to



honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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