

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44900 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- BARH District- Patna

UDAY YADAV @ UDAY KUMAR S/O MAHESH YADAV R/O Village-
Hardayalbigha, P.S- Belchhi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. Altogether 39 litres of country made liquor has been recovered from the place of occurrence. Petitioner is said to have fled away from the spot, after seeing the police.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner rather 39 liters of country made liquor is said to have been recovered from an open place. Petitioner has no concern either with the seized liquor or the



place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the statement of the local people. Petitioner has eleven criminal antecedents out of which ten are of similar in nature that of the present case as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs. 90,000.00 (Rupees Ninety Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Barh P.S. Case No. 109 of 2023, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C,
subject to the further conditions that

(1) One of the bailors will be his own blood relative,
preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any
similar offence till conclusion of the trial.

7. The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipt of deposit of the
aforesaid amount in Patna High Court Legal Services
Committee, Patna.

(Anjani Kumar Sharan, J)

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