

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70681 of 2021

Arising Out of PS. Case No.-172 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Bipin Kumar Yadav @ Kamlesh Kumar @ Bipin Yadav, aged about 22 years,
male, Son of Isho Yadav Resident of Village- Gondapur, P.S.- Nawada Town,
District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 09-01-2023 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor (for brevity ‘APP’) for the State.

The petitioner seeks bail in connection with G.O. Case No.
172 of 2021 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that from the
prosecution report, it is obvious that two liters of allegedly smuggled
illicit liquor has been recovered from behind the petitioner’s house.

It is submitted that even as per prosecution case, there is no
recovery from the conscious or constructive possession of the
petitioner. He is in custody in this case since 6/7/2021. In similar
manner, he has been made accused in many cases, under the Bihar



Prohibition and Excise Act in the same Police Station.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, the quantum of alleged recovery and also the fact that recovery is stated to be from behind the petitioner's house, 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge (Excise), Nawada, in connection with GO Case No. 172 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.

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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