

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65741 of 2022

Arising Out of PS. Case No.-511 Year-2022 Thana- FATEHPUR District- Gaya

Shambhu Yadav, aged about 43 years, gender- Male, Son of Sarju Yadav @
Surai Yadav, Resident of village - Gurpa, Kathantia, Kewal, P.S.- Fatehpur,
District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 This matter has been taken up today for consideration through
video conferencing.

Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Fatehpur P.S.
Case No. 511 of 2022 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition & Excise Amendment Act.

There is alleged recovery of sixty (60) litres of country made
liquor in a bag tied on the petitioner's motorcycle, which has been
stopped in the course of checking.

Learned counsel for the petitioner submits that the petitioner
has falsely been implicated. He has no criminal antecedents.
Recovery is not attributed from his possession. It is submitted that
investigation is complete. He is stated to be in custody since
19.08.2022.

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

Considering the rival submissions, manner of petitioner's



implication, clean antecedents, period of custody and the fact that investigation is complete, 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 Exclusive Excise Court No.1, Gaya, in connection with Fatehpur P.S. Case No. 511 of 2022, 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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