

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32227 of 2018

Arising Out of PS. Case No.-34 Year-2018 Thana- NAUTAN District- Siwan

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Srikant Yadav, S/o Hridya Nand Yadav, R/o Village- Phulwaria, P.S.- Mairwa,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Satyendra Rai

For the Opposite Party/s : Sri Ganesh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 26-06-2018 Heard Sri Satyendra Rai , learned counsel for the

petitioner and Sri Ganesh Prasad Singh , learned Additional

Public Prosecutor.

The sole petitioner, apprehending his arrest in connection with Nautan P.S. Case No. 34 of 2018 , registered for the offence under Sections 272, 273, 308/34 of the Indian Penal Code , 1860 (hereinafter referred to as the “I.P.C.”) and Section 30(A) /38(A)/ 41(i) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the “Excise Act”) , has prayed for grant of bail in the event of his arrest or surrender.

At the very outset , learned counsel for the petitioner has drawn my attention to the statement made in paragraph no.



3 of the petition to show that though petitioner was made accused in one of the case i.e. Mairwa P.S. Case No. 154 of 2016 registered for the offence under Section 379 and other allied Sections of the I.P.C. which was lodged due to dispute in between the agnates, petitioner was earlier never made accused in any case relating to Excise Act. Learned counsel for the petitioner has further drawn my attention to the statement made in paragraph no. 7 of the petition to show that petitioner has been made accused on the so- called claimed identification by one of the Chaukidars, who was none else but own maternal uncle of the informant of Mairwa P.S. Case No. 154 of 2016, otherwise, in this case there was no recovery from conscious possession of the petitioner. He submits that it is true that in this case recovery of huge quantity of Indian make foreign liquor was shown from a Bolero, but none was apprehended and petitioner by the same Chaukidar was made accused as if he identified petitioner in the light of Police Jeep.

Besides hearing, I have examined the materials available on record and after going through the same, I am of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of his arrest or surrender



within a period of six weeks from today, let the petitioner Srikant Yadav be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge - 2nd , Siwan / concerned court in connection with Nautan P.S. Case No. 34 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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