

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48914 of 2019

Arising Out of PS. Case No.-386 Year-2018 Thana- BAHADURPUR District- Darbhanga

JITENDRA KUMAR YADUWANSI @ JITENDRA KUMAR
YADUWANSI @ JEETU YADAV Son of Sri Rajendra Yadav @ Thakko
Yadav Resident of Village-Bajitpur Chhipalia, Police Station-Bahadurpur,
District-Darbhangha. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Syed Ashfaque Ahmad, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Bahadurpur P.S. Case No. 386 of 2018 registered for the offences punishable under Sections 30(a), 32(ii), 36 and 41(i) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that this petitioner is neither the owner of the vehicle in question nor any illicit liquor has been recovered from his house. He has been made accused in this case only by making a statement that his name has transpired as one of the persons involved in selling of illicit liquor.

Learned counsel further submits that it is evident that the Sub-Inspector of Police who lodged the FIR simultaneously



recorded that this petitioner is said to be one of the persons involved in the trade of illicit liquor, even though the investigation was still to be done. It is further submitted that in course of investigation no independent material has been collected to connect that this petitioner is engaged in trade of illicit liquor. It is also stated that the petitioner has no criminal antecedent.

Learned counsel for the State having gone through the materials collected in the case diary does not point out any independent material from which it may be *prima-facie* shown that the petitioner is said to be involved in the trade of illicit liquor.

For purpose of grant of anticipatory bail, finding that there is no independent material to connect the petitioner with this case, this Court directs that the petitioner above named in case of his arrest or surrender within a period of four weeks from today in connection with Bahadurpur P.S. Case No. 386 of 2018 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned II Additional Sessions Judge-cum- Special Judge, Excise, Darbhanga, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

