

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59281 of 2019

Arising Out of PS. Case No.-271 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

NAGENDRA YADAV, aged about 32 years, Male, Son of Hira Lal Yadav,
Resident of Village- Barhani Ke Tola, Police Station- Siwan Muffasil,
District- Siwan ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Adv.
For the Opposite Party : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 19-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Siwan Muffasil P.S. Case No. 271 of 2019 for the offences
alleged under Sections 272 and 273 of the Indian Penal Code
and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty the
informant received information of carrying illicit liquor loading
on Bolero Jeep for keeping the same in the brick kiln situated in
Brahni Tola, the informant, along with other police officials,
reached there. After some time, a Bolero Jeep came near the
brick kiln and a person get down and opened the door of the
Jeep and started to shift the cartons in the brick kiln. While the
informant and other police officials tried to surround him, but,
taking the advantage of rainy water in the ditches, he succeeded



to flee away. On search of Bolero Jeep, 15 cartons, each containing 48 bottles of 180 ml, recovered near the Bolero Jeep, while 130 cartons, each containing 48 bottles of 180 ml recovered from the Bolero Jeep. On query from the pedestrians, they disclosed the name of the person who fled away as Nagendra Yadav (petitioner).

The submission of the learned counsel for the petitioner is that petitioner was not apprehended on spot nor he is the driver or owner of the seized Bolero Jeep rather the name of the petitioner surfaced on query by the informant from pedestrians, who were passing near the place of occurrence. Further, submission is that while the petitioner is accused in Siwan Muffasil P.S. Case No. 143 of 2014, registered under Sections 307, 393, 353, 216 and 216A of the Indian Penal Code.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Siwan Muffasil P.S. Case No. 271 of 2019 shall be released 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 the Additional District & Sessions Judge II-cum-Special Judge, Excise, Siwan, or the successor Court



subject to the conditions as laid down under Section 438(2)
Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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