

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7874 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- KIUL District- Lakhisarai

SUBHASH YADAV Son of Devendra Yadav @ Viru Yadav @ Virendra Yadav, Resident of Village - Vrindavan, P.S.- Kiul, Distt - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-02-2020 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under Sections 272/273 of Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

Allegation is recovery of 17.250 litres of foreign liquor from Kiul river.

It has been submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case on the basis of statement made by Chowkidar. It has further been submitted that neither illicit liquor has been recovered from his possession nor he was apprehended on the spot as such no offence under Excise Act is made out. Petitioner has no criminal antecedent.



Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Kiul P.S. Case No.05 of 2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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