

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12034 of 2020

Arising Out of PS. Case No.-141 Year-2019 Thana- THAWE District- Gopalganj

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Biran Yadav @ Biran Choudhari @ Biran Kumar Yadav @ Viran Yadav,
Male, aged about 21 years, S/o Kunwar Chaudhary @ Kuvar Choudhari
Resident of Village- Videshi Tola @ Bideshi Tola, P.S.- Thawe, Distt-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Shanker Prasad

For the Opposite Party/s : Mr.Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-06-2020 Heard learned counsel for the petitioner and learned
counsel for the State through virtual court proceeding.

In this case, the petitioner is apprehending his
arrest in connection with Thawe P.S. Case No. 141 of 2019
registered for offences under sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per allegation, the police has recovered 16.400
liters of illegal country made liquor from the house of one
Shyam Bihari Sah who has been found to be involved in the
alleged trade of liquor.

Learned counsel for the petitioner submits that
nothing incriminating has been recovered from the conscious
possession of the petitioner but, the allegation has been made



against the petitioner of being involved in the illegal trade of liquor.

The petitioner has got no criminal antecedent as has been stated in paragraph no.3 of the present bail petition.

Looking to the quantity of liquor recovered as also considering the entire facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 learned Additional Sessions Judge 2nd cum Special Judge Excise Act, Gopalganj in connection with Thawe P.S. Case No. 141 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled. It is also made clear that if the petitioner is repeats the similar offence in future, the prosecution will be at liberty to file an application for cancellation of the bail.

However, at the time of accepting bail bonds, the



court below will verify and ensure itself regarding criminal antecedent of the petitioner and if it is found that the petitioner has clean antecedent, his bail bond will be accepted but, if it is found that the petitioner is involved in any other case before filing of the present case i.e. 18.2.2020, then he would not be released.

(Shivaji Pandey, J)

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