

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16606 of 2020**

Arising Out of PS. Case No.-1773 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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RAJU KUMAR YADAV, aged about 26 years, Male, Son of Shivanath Yadav
Resident of Mohalla - Motitola, Shivganj, P.S.- Ara Nagar, District- Bhojpur
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 20-08-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

The sole petitioner in the present case is seeking anticipatory bail in connection with Excise Case No. 1773 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018, pending in the court of learned 4th Additional District Judge, Bhojpur at Ara.

Learned counsel for the petitioner submits that from the prosecution report dated 29.08.2019, it would appear that two persons who were riding the motorcycle and fled away on interception of the motorcycle by Excise Officials are (1) Bauwa Yadav, son of late Jawahar Yadav and (2) Chandan Paswan, son of Bharat Paswan. So far as this petitioner is concerned, he was not named in the prosecution report and had not been identified



as person riding the said motorcycle at the time of interception but later on his name has come in this case because the motorcycle is registered in his name.

It is submitted that Bauwa Yadav the co-accused is cousin of the present petitioner and he was riding the motorcycle and found allegedly carrying the illicit liquor but it was in absence of any knowledge on the part of the present petitioner. The co-accused who was riding the motorcycle and had taken away the same being a cousin.

Learned A.P.P. for the State has though opposed the anticipatory bail of the petitioner.

Considering that the two persons who were allegedly riding the motorcycle at the time of interception have been specifically named in the prosecution report and the petitioner has not been identified as the person riding the said motorcycle and has been brought in this case only because the said motorcycle is registered in his name even as the submission of learned counsel for the petitioner is that the petitioner was not aware of the misuse of the motorcycle and the co-accused had taken away the same because he happened to be the cousin as also on finding that the petitioner has no criminal antecedent, let the petitioner, in the event of his arrest or surrender within four



weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional District Judge, Bhojpur at Ara, in connection with Excise Case No. 1773 of 2019, 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)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

