

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21269 of 2020**

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Chhotelal Yadav, S/o Yamuna Yadav, resident of Village-Rasulpur, P.S.-
Daraunda, District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Adv.

For the Opposite Party/s : Mr.A. Dayal, APP

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

2 24-07-2020 Learned counsel for the petitioner undertakes to

remove all the defects within three weeks after start of normal

functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail

in connection with Daraunda P.S. Case No.265/2019 registered

for the offences under Sections 30(a)/38 of the Bihar Prohibition

and Excise Act, 2016.

Learned counsel for the petitioner submits that on

perusal of the First Information Report as well as the seizure list

enclosed therewith it would appear that the illicit liquor has

been recovered from the Bathan of the brother of this petitioner

and his name has been duly mentioned in the seizure list. So far



as this petitioner is concerned, he has been made accused by saying that on seeing the police party he had fled away. It is submitted that there is no prima-facie material to connect the petitioner and he has been made accused for no *prima-facie* reason.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but on finding from the F.I.R. and the seizure list that the recovery has been shown from the house of Keshav Rai alone and not from the house of this petitioner and the petitioner is said to be a co-sharer of said Keshav Rai, there being no prima-facie material to connect the petitioner with the present case, let the petitioner above named in the event of his arrest or surrender within a period of six weeks from today in connection with Daraunda P.S. Case No.265/2019 be released 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan, 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/arvind-

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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'.

