

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.69664 of 2019**

Arising Out of PS. Case No.-280 Year-2019 Thana- BODHGAYA (Cherki) District- Gaya

Rai Ji, aged about 24 years, Male, S/o Umesh Yadav @ Umens Yadav R/o  
Village- Birhut, P.S.- Cherki, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vinod Kumar, Advocate  
For the State : Mr. Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL JUDGMENT**

**Date : 06-03-2020**

Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner apprehends arrest in connection  
with Bodhgaya (Cherki) PS Case No. 280 of 2019 dated  
23.06.2019 instituted under Sections 272/273 of the Indian  
Penal Code and 30(a) of the Bihar Prohibition and Excise Act,  
2016.

3. The allegation against the petitioner and two  
others is that they were travelling on a motorcycle and when the  
police tried to intercept, the petitioner fled away. However, from  
the motorcycle 15 litres of *mahua* liquor was recovered.

4. Learned counsel for the petitioner submitted that  
his name has wrongly been taken, as he was not caught at the



spot and further that even if the allegation is true, he was only riding on the bike and was not the owner of the bike. It was submitted that the other two co-accused have been granted anticipatory bail by a coordinate bench of this Court on 24.07.2019 in Cr. Misc. No. 45852 of 2019. Learned counsel submitted that the petitioner has no other criminal antecedent.

5. Learned APP submitted that the petitioner was also the person who ran away on seeing the police and from the motorcycle, 15 litres of *mahua* liquor was recovered.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Special Excise Judge, Gaya in Bodhgaya (Cherki) PS Case No. 280 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any



criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

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