

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85558 of 2019

Arising Out of PS. Case No.-112 Year-2019 Thana- KAJRA District- Lakhisarai

SUDHAN YADAV, Son of Brahmdeo Yadav, Resident of Village- Janki dih,
P.S.- Chanan, Dist- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 14-02-2020

Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 272, 273 and 290 of Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

Informant is a police officer who in his written complaint has stated that on 31.10.2019 about 6:15 a.m., he along with other police personnels were on search operation in the forest area and few persons who had assembled on seeing the police, tried to flee away and from *Bahiar* area, 20 litres of Mahua liquor kept in plastic gallon was recovered, however, as there were no persons available there, it was seized in presence of two police witnesses and he got confidential information that F.I.R. named accused including the petitioner were engaged in



trade of illicit liquor.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case only on the basis of hearsay and suspicion. Police has not disclosed the source of information with respect to petitioner being involved in said illicit trade of liquor, as such, no offence under Excise Act is made out against the petitioner. 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 Kajra P.S. Case No.112/2019 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)

Sanjay/-

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