

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33141 of 2021

Arising Out of PS. Case No.-479 Year-2020 Thana- NAANPUR District- Sitamarhi

SARWIND YADAV, S/O Ram Ekbal Yadav, Vill- Serha, Post- Nayatol, P.S.-
Nanpur, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dr. Bidhu Ranjan, Advocate
	:	Mr. Dwij Raj, Advocate
For the Opposite Party/s	:	Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 15-06-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
under Sections 30, 30(a), 38 and 41 of Bihar Prohibition and
Excise Act, 2018.

Informant, who is a police officer has alleged that on
receiving confidential information that FIR named accused
including petitioner are engaged in trade of illicit liquor and
they have brought a truck from which liquor is being unloaded
and on receiving said information, he reached the place but on
seeing police, miscreants fled away and from the truck 405 litres
of illicit liquor was recovered and two motorcycles were also
recovered from the place of occurrence.

It has been submitted on behalf of the petitioner that petitioner has no criminal antecedent and he has been falsely implicated in this case due to village rivalry and animosity. It has been further submitted that he is not owner of either of the motorcycles seized by the police. He was neither apprehended on the spot nor any illicit liquor has been recovered from his conscious possession or from his house, as such, provisions of Excise Act is not applicable against him. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge, Excise, Sitamarhi, in connection with Nanpur P.S. Case No. 479 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 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)

Rajiv/veena-

U		T	
---	--	---	--