

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20233 of 2020

Arising Out of PS. Case No.-55 Year-2020 Thana- BARHARIA District- Siwan

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Upendra Yadav, male, aged about 35 years, Son of Jawahar Yadav, Resident of Village - Siyari Karn, P.S. - Barharia, Distt. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Aslam Ansari, Adv.

For the Opposite Party/s : Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

8 23-02-2021 Heard Md. Aslam Ansari, learned Advocate for the petitioner and Mr. Ramchandra Singh, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Barharia P.S. Case No. 55 of 2020, dated 11.02.2020, instituted for the offences under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act,



2016.

It appears that a total of 4050 litres of liquor was recovered from an open space and the petitioner is sought to be prosecuted in this case as he has been disclosed to be one of the persons who managed to flee away from the place of raid. The identification of the petitioner is by one *Chaukidar*.

It has been submitted on behalf of the petitioner that apart from the aforesaid identification, there is no other material to connect him with the offence. It has further been submitted that the petitioner has yet not been declared an absconder.

The petitioner does not have criminal antecedents.

Regard being had to the facts afore-stated, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-Cum-



Special Judge, Excise, Siwan in connection with Barharia
P.S. Case No. 55 of 2020, subject to the conditions laid
down under Section 438(2) of the Cr.P.C.

However, it is clarified that the petitioner shall
participate in the investigation, if it is still continuing or in
the trial, if the case has gone to trial. Any reluctance on the
part of the petitioner to participate in the investigation, if the
same is continuing or in the trial, if the same is proceeded,
would render his anticipatory bail liable to be cancelled.

(Ashutosh Kumar, J)

Praveen-II/-

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