

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29754 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- PHULPARAS District- Madhubani

Prabhu Yadav, Male, aged about 22 years, Son of Chandeshwar Yadav,
Resident of Village- Kishanpatti, P.S.- Ghoghardiha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

4 30-03-2022 Heard the parties.

The case is being taken up from defect side.

Learned counsel for the petitioner is directed to
submit the original petition along with attested affidavits and
also remove all the defects pointed out by the Registry within
two weeks from today.

The petitioner seeks bail in anticipation of his arrest in
connection with Phulparas P.S. Case No. 59 of 2021 instituted
for the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

Learned counsel submits that the petitioner is the
cousin brother of Ram Kumar Yadav @ Ram Yadav, from
whose house the liquor was allegedly recovered. He submits



that Ram Kumar Yadav @ Ram Yadav has already been granted bail. The allegation against the petitioner is of being actively involved with Ram Kumar Yadav @ Ram Yadav in illicit liquor of business.

I have considered the submissions, prima facie case under Section 30(a) of the Act cannot be said to be made out as against the petitioner on the aforesaid allegations.

Accordingly, I am inclined to allow the petitioner on bail, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, which are as under:-

1. The petitioner, above named shall furnish personal bond with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;
2. The petitioner shall cooperate with the investigation and make himself available for interrogation whenever required;
3. The petitioner shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
4. The petitioner shall not obstruct or hamper the



police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

5. The petitioner shall not leave the territory of Bihar, without prior permission of the Court, till trial is over;

6. The petitioner shall maintain law and order;

7. The petitioner shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

8. The petitioner shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

9. The petitioner shall regularly remain present during the trial, and cooperate the Hon'ble court to complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

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