

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35063 of 2021**

Arising Out of PS. Case No.-508 Year-2020 Thana- KATIHAR NAGAR District- Katihar

BHIM KUMAR YADAV Son of Haribol Yadav Resident of Village - Yaduwa
Pada, Dilli Diwanganj, P.S.- Azamnagar, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offence under Sections 30(a) of the Bihar
Prohibition and Excise Act.

Recovery is of 7.920 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case merely on the basis of suspicion. He
further submits that nothing has been recovered from the
conscious possession of the petitioner rather the alleged
recovery has been made from the dicky of the motorcycle
and the pettioenr is said to be the owner of the said



motorcycle. He further submits that the alleged motorcycle was borrowed by the co-accused, Raghunath from the petitioner, therefore, he has no concern with the alleged recovery. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nagar Sahayak P.S. Case No. 70 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

(1) Petitioner shall co-operate in the investigation and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, their bail bond shall be



canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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