

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28368 of 2022**

Arising Out of PS. Case No.-81 Year-2022 Thana- NAUTAN District- Siwan

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SANTOSH YADAV @ SANTOSH KUMAR YADAV S/o Bhagarashan  
Yadav @ Bhagarashan Choudhry Resident of Village- Sujao, Post Pachlakhi,  
P.S.- Nautan, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dhananjay Kumar Shahi  
For the Opposite Party/s : Mr.Bharat Bhushan

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      21-11-2022      Heard the parties.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 342 litres of foreign liquor is said to have been recovered from a bolero pick up van.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the basis of secret information. His name was disclosed by nearby persons. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his



conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Similarly situated co-accused has been granted bail by this Court vide order passed in Cr. Misc. No.28104 of 2022 dated 17.11.2022. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Nautan P.S. Case No.81 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

- (1) That one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee.

**(Anjani Kumar Sharan, J)**

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