

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58274 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- ROSERA District- Samastipur

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MUKESH KUMAR YADAV SON OF TEJ NARAYAN YADAV R/O
VILLAGE- LAXMIPUR, P.S.- ROSRA, DIST.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav
For the Opposite Party/s : Mr.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in Rosera P.S.
Case No.59 of 2021, registered for the offences punishable
under Sections 272, 273 and 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that there is
no recovery from the conscious possession of the petitioner
rather 30 litres of foreign liquor has been recovered from the
motorcycle of the petitioner. It is further submitted that the co-
accused, namely, Ajit Kumar who is the neighbour of the owner
of the motorcycle demanded the petitioner's motorcycle for
going to his relative and father of the petitioner gave the
motorcycle to him. It is submitted that the petitioner is working



in Gujrat for his livelihood. Only on the basis of the statement of the co-accused and the paper of the motorcycle, the petitioner has been made accused in the present case.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Petitioner is ready to deposit a sum of Rs.30,000/- (rupees thirty thousand) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Considering the fact that there is no recovery from the conscious possession of the petitioner, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned IInd Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur in connection with Rosera P.S. Case No.59 of 2021, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the



petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bond.

(4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.30,000/- (rupees thirty thousand) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

(Anjani Kumar Sharan, J.)

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