

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64545 of 2022**

Arising Out of PS. Case No.-109 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Nalanda

=====

GURUCHARAN YADAV Son of Sarayug Yadav @ Saryug Yadav R/v- Paltu  
Bigha, P.S.- Tharthari, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.  
For the Opposite Party/s : Mr.Arun Kumar, APP.

=====

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

2      09-12-2022      Heard the parties through virtual court proceedings.

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

Altogether 70 litres of illicit liquor is said to have been recovered from a motorcycle. After seeing the police, the accused person fled away.

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 due to ulterior motive. 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. Though the petitioner is the owner of the said motorcycle but the motorcycle was run by his friend. The petitioner has been made accused being the owner of the motorcycle. Petitioner has two criminal antecedents, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five 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 Excise Case No.109 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.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee. Learned Court below is further directed to verify the fact who is the owner of the said motorcycle and if the petitioner is the owner of the said motorcycle then in that event, his bail bond shall not be accepted.

**(Anjani Kumar Sharan, J)**

divyanshi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

