

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69069 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- HASANPUR District- Samastipur

MANDAL YADAV SON OF LATE JAGDHAR YADAV R/O VILL.-
SURAHA BASANTPUR (BISHUNPUR), P.S.- HASANPUR, DISTT.-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 30(a), 41(i),(ii) of the
Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner has antecedent of five cases and allegation is of recovery
of 2610. 36 liters of liquor from Mahendra truck and 180 liters of
liquor from a Scorpio and thus total recovery is 2790.36 liters of
liquor.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing was
recovered from his conscious possession, it is next submitted that
petitioner is neither the owner nor the driver of the alleged vehicle



and he came to be implicated at the instance of police because of his antecedents with a view to save the real culprits.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hasanpur P.S. Case No. 152 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has more than five criminal antecedents then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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