

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8112 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- WARISLIGANJ District- Nawada

RAMDEO YADAV SON OF BACHCHU YADAV R/O VILLAGE- HEMDA,
P.S.- WARISALIGANJ, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar, Adv.

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

Altogether 1760.040 litres of foreign liquor is said to have been recovered from the house of the co-accused and it is alleged that petitioner fled away from the spot.

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 disclosure of local chaukidar. 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. Petitioner is not the owner of the said house and there is no compliance of section 100 of the Cr.P.C.. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application. Similarly situated co-accused have been granted anticipatory bail by this Court and co-ordinate Bench of this Court.

Petitioner is agreed to deposit a sum of Rs.40,000.00/- (Rupees Forty Thousand) in the Bihar State Bar Council Welfare Fund, bearing Account No.31861041899, IFSC SBIN0010340, State Bank of India, High Court Campus, 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 Warisaliganj P.S. Case No.175 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 the aforesaid amount in the Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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