

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9850 of 2023

Arising Out of PS. Case No.-171 Year-2022 Thana- JADOPUR District- Gopalganj

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PARMESHWAR YADAV S/O LATE RAGHUNATH YADAV Resident of
Village- Jadopur Briti Tola, P.S.- Jadopur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2023 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 414 of IPC and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether 62 litres of country made liquor is said to have been recovered from three motorcycles and three persons were apprehended on spot. It is alleged that petitioner managed to escape leaving behind one of the motorcycle, from which 36 litre recovery was made.

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 statement of the apprehended accused. 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 or the place of recovery. The said motorcycle does not belongs to the petitioner. Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.10,000.00/- (Rupees Ten 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 Jadopur P.S. Case No.171 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

- (i) 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.

(ii) 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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