

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9646 of 2023

Arising Out of PS. Case No.-352 Year-2022 Thana- DEHRI TOWN District- Rohtas

RAJ KUMAR YADAV @ KUMAR YADAV Son of Lakshmun Yadav
Resident of Mohalla- Ward No.-22, Idgah Muhalla, P.S.- Dehri Town,
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. He submits that there is no recovery from the conscious
possession of the petitioner rather 26.7 liters of country made
liquor is said to have recovered from the roofless house of the
petitioner. He submits that neither the petitioner was arrested
from the place of occurrence nor anything has been recovered
from the conscious possession of the petitioner but the petitioner



has been implicated in this case because he was owner of abandoned house. He submits that the said illicit liquor has been recovered from the roofless house of the petitioner and the petitioner does not reside there. He further submits that petitioner has two criminal antecedents of similar nature as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand) in Bihar State Bar Council Welfare Fund, Patna, bearing Account No.31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond 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 Dehri Town P.S. Case No. 352 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:



(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who 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) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of 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 the aforesaid amount in the account of Bihar State Bar Council Welfare Fund, Patna.

(Anjani Kumar Sharan, J)

anand/-

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