

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34361 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

KARAN YADAV S/O- DULESHWAR YADAV Village- Barki Sahjoli Ps-
Shahpur Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in connection with Durgawati P.S. Case No. 61 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise Act, 2022 lodged on 17.3.2023 by the informant Vinay Kumar.

As per the prosecution story, the police intercepted a motorcycle but the person who was driving it escaped. In the meantime, another vehicle was coming which was also intercepted. While some accused persons managed to escape, one person was apprehended and from the vehicle, 348 liters of foreign liquor was recovered/seized and further on his disclosure, the name of this petitioner.

It is contention of the learned counsel for the petitioner that he do not have criminal antecedent nor he was in



the vehicle nor anything has been recovered from his conscious possession and only because of confession of one accused, he has been implicated.

Learned APP opposes the prayer stating that his name has come in the confessional statement of the person who was apprehended.

Considering the aforesaid facts/submission put forward by the learned counsel as also that the alleged recovery is from the vehicle which does not belong to him, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Durgawati P.S. Case No. 61 of 2023 to the satisfaction of learned Additional Sessions Judge-VII cum Special Judge Excise-II, Kaimur at Bhabhua subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application stands allowed.

(Rajiv Roy, J)

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