

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34545 of 2023

Arising Out of PS. Case No.-740 Year-2022 Thana- RAJAOLI District- Nawada

SHANKAR YADAV Son of Badho Yadav @ Bandho Prasad Yadav Resident
of village - Mohkama, P.s. - Rajauli, dist. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumud Kishore, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-07-2023 Heard Mr. Kumud Kishore, learned counsel for the
petitioner and the State.

The petitioner is apprehending his arrest in connection
with Rajauli P.S. Case No. 740 of 2022 for the offence under
Sections 30(a) of Bihar Prohibition and Excise Act, 2016 lodged
on 31.12.2022 by the informant, Sunil Kumar Singh.

As per the prosecution story, the Police on secret
information, intercepted two persons with bag who managed to
escape after throwing the bag, from which 20 liters of Mahua
liquor were recovered/seized. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the
petitioner that neither he was on the spot nor the bag belongs to
him and only because he has number of cases of the same nature
under his belt, on suspicion, the Police named him.



Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the aforesaid facts that there is no recovery from the house and/or the vehicle of the petitioner. It has been recovered from the bag thrown on the ground and the locals named him, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-IIInd, Nawada, in connection with Rajauli P.S. Case No. 740 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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 observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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