

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39852 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- MAHISHI District- Saharsa

RAKESH KUMAR YADAV @ RAKESH YADAV S/O SRI SIKANDAR
YADAV @ SIKENDRA YADAV R/O Nayatola, Birgaon ward No.10 PS
Bangaon Dist. Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-10-2023 Heard Mr. Diwakar Prasad Singh, learned counsel for the
petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 420, 467, 468, 471 of the IPC and 30 (a), 41 and 47 of Bihar Prohibition and Excise (Amended) Act, 2022.

3. Altogether 1056.5 liters of foreign liquor is said to have been recovered from the spot and it is alleged that petitioner and others fled away from the spot.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired in the case only on suspicion. Petitioner has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case, 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 learned Court below, where the case is pending/Successor court, in connection with Mahishi P.S. Case No.70 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with 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.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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