

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42128 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- RAJEPUR District- East Champaran

BRAJESH YADAV Son of Chulhai Ray Resident of village - Fajilpur, P.s. -
Rajepur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Rajepur P.S. Case No. 172 of 2022 instituted under under Sections 272, 273, 420, 467, 468, 120B of the Indian Penal Code and 30(a), 32, 36, 41(i) of the Bihar Prohibition and Excise Act lodged on 28.9.2022 by the informant, Lalan Kumar.

As per the prosecution story, the police upon information intercepted four vehicles, the truck, bolero, pick-up van and a motorcycle and recovered altogether 1845 liters of foreign liquor from them. Accordingly, the FIR.

Learned counsel for the petitioner submits he do not have any concern with the alleged vehicles as none of the vehicle belonged to him nor he is driver of the aforesaid four vehicles. Further, he do not have criminal antecedent and one



co-accused Brajesh Kumar @ Brajesh Yadav has since been granted anticipatory bail vide Cr. Misc. No. 20960 of 2023.

Learned APP opposes the prayer.

Considering the aforesaid fact that the petitioner is not owner of any of the vehicle and do not have criminal antecedent and ultimately will have to face the trial, 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) with two sureties of the like amount each in connection with Rajepur P.S. Case No. 172 of 2022 to the satisfaction of learned Exclusive Special Excise Court No.1, Motihari, East Champaran 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 is allowed.

(Rajiv Roy, J)

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