

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40810 of 2023

Arising Out of PS. Case No.-168 Year-2019 Thana- WAJIRGANJ District- Gaya

1. PRINSU KUMAR @ PRINCE KUMAR Son of Rajendra Yadav @ Rajeshwar Prasad @ Rajendra Prasad Resident of Village - Kanaudi, P.S.- Wazirganj, District - Gaya.
2. Pramod Yadav @ Pramod Kumar Son of Nageshwar Yadav Resident of Village - Kanaudi, P.S.- Wazirganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioners are apprehending their arrest in connection with Wazirganj P.S. Case No. 168 of 2019 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 24.05.2019 by the informant, Parmanand Mandal.

As per the prosecution story, the Police upon secret information, reached near the village, Kanaudi. The accused persons escaped but the villagers informed that the 'Bhatthi' belongs to Ravi Yadav. Further, allegation is that 22 liters of wine was recovered/seized and the 'Bhatthi' and the 'Drums' were destroyed. Accordingly, the F.I.R.

Learned counsel for the petitioners submit that the



main allegation is against Ravi Yadav, they are unrelated with this case but have been implicated alongwith main accused. Further, they do not have criminal antecedent.

Learned APP opposes the prayer but concede that the main allegation is against Ravi Yadav.

Taking into account the aforesaid submissions as also the fact that they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. 01, Gaya, in connection with Wazirganj P.S. Case No. 168 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

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

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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