

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40826 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- SALAIYA District- Aurangabad

ANIL KUMAR YADAV Son of Shiv Nandan Yadav R/O Village - Naiki, P.S.-
Rafiganj, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Salaiya P.S. Case No. 109 of 2022 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 22.10.2022 by the informant, Umesh Ram.

As per the prosecution story, the allegation is that the police upon secret information, intercepted three motorcycles and 20 liters each of country made liquor was recovered/seized from all the three motorcycles, total 60 liters.

One of the motorcycle belonged to the petitioner herein.

It is the case of the learned counsel for the petitioner that the said motorcycle was already sold to one Dinesh Ram on 30.8.2012 while the occurrence took place in October, 2022.



The further submission is that he do not have criminal antecedent.

Learned APP opposes the prayer stating that he is the owner of one of the motorcycles.

Taking into account the fact that the recovery is from the motorcycle which was sold in August, 2022 and he do not have criminal antecedent, 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 Salaiya P.S. Case No. 109 of 2022 to the satisfaction of learned Special Judge (Excise), Aurangabad 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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