

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41314 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- RAJAOLI District- Nawada

SUBODH YADAV Son of Chandar Yadav @ Chandradev Yadav Resident of
vill-Hathochak, P.S.-Rajauli, Distt-Nawada

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Rajauli P.S. Case No. 46 of 2023 registered for the offences punishable under Sections 30(a) Bihar Prohibition and Excise Act, 2016. He has got three criminal antecedents as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that on secret information that one Scorpio is coming with wine from Mohkama Jangal to Murena Bazar. He reached at the spot and found that one person uploading the wine from Scorpio and when he saw the police party, tried to flee away but with the help of police he was apprehended and disclosed his



name as Mukesh Kumar and he disclosed the name of the petitioner and others. Twenty five liters country made liquor were recovered from the seized vehicle.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the statement of the apprehended accused namely, Mukesh Kumar, nothing has been recovered from the possession of this petitioner.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the name of the petitioner has transpired in the statement of the apprehended accused namely Mukesh Kumar, nothing has been recovered from the possession of this petitioner, he has been falsely implicated in this case due to village rivalry and further submission that the seizure list witnesses are the police personnel and the co-accused in this case have been granted privilege of anticipatory bail by the learned coordinate Benches of this Court in Cr. Misc. 20970/2023 and Cr. Misc. No. 26442/2023, this Court, therefore, directs that in case of his arrest/surrender within a



period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge – 2, Nawada in connection with Rajauli P.S. Case No. 46 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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