

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45106 of 2023

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

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RUPESH YADAV @ RUPESH KUMAR Son of Sri Vijay Kumar Yadav @
Vijay Yadav Resident of village - ward no. 9, Baghwa, P.S. - Mahishi, Distt. -
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard the learned Counsel for the petitioner and Mr.

Asha Kumar who represent the State.

The petitioner apprehend his arrest in connection with Mahishi P.S. Case No. 70 of 2023 for the offence punishable under Section 420, 467, 471 of IPC and 30 (a), 41, 47 of the Bihar Prohibition and Excise Act, 2016, lodged on 31.03.2023 by the informant Shobhanath Singh.

As per the prosecution story, the accused persons were unloading liquor from a container, however when the police reached the spot seeing the head light of the car, the accused person escaped. the '*chowkidar*' named the accused person, petitioner is one of them. Further from the said container, altogether 1056.6 liters of country made foreign liquor was/were recovered/ seized.



Thereafter, when a raid was conducted on the house of Heera Yadav, other 241.9 liters of country made foreign liquor as also Rs. 7,62,400/- was/were recovered/ seized.

It is the case of the learned counsel for the petitioner that neither the container nor the motorcycle which was parked there belongs to him and further the alleged recovery is from the house of the Heera Yadav with whom he has nothing to do. The last submission is that he do not have criminal antecedent.

Learned APP points out to the huge recovery/ seizure of country made foreign liquor.

Considering the fact that the recovery is from the container which does not belong to the petitioner, the second recovery is from the house of the Heera Yadav and further he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Saharsa in connection with Mahishi P.S. Case No. 70 of 2023, subject to condition 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 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 appear before the concerned police station every month for one year to mark his attendance;

(iv) 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;

(v) 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 observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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