

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45646 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- NAUTAN District- West Champaran

DHURENDRA YADAV Son of Ashar Yadav @ Asesar Yadav Resident of
Village - Ward No.- 13, Maduahar, P.S.- Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabiya Gulnaz, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard Ms. Rabiya Gulnaz, learned counsel for the
petitioner and Mrs. Asha Kumari, learned APP for the State.

The petitioner is apprehending arrest in connection with Nautan P.S. Case No. 128 of 2023 instituted under under Section 414 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act lodged on 15.4.2023 by the informant, Bablu Yadav.

As per the prosecution story, the police upon information intercepted a motorcycle although one person managed to escape. The other was apprehended and from the motorcycle, it is alleged that 45.900 liters of illicit liquor plus 7.20 illicit liquor in a bag was recovered/seized and accordingly, the FIR.

It is the case of the petitioner that alleged recovery of



52.02 liters of foreign liquor has been from the motorcycle which he does not own. His name has come only on the confessional statement of the apprehended person and accordingly found himself implicated.

Learned APP opposes the prayer stating that the petitioner has criminal antecedent of the same nature.

Learned counsel for the petitioner submits that he will abide by all terms and conditions and will ensure that he is not implicated in any of the further case.

In view of the said assertion made by the learned counsel for the petitioner as also that the motorcycle does not belong to him and his name has come in the confessional statement, 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 Nautan P.S. Case No. 128 of 2023 to the satisfaction of learned Exclusive Special Judge, Excise, West Champaran, Bettiah 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.

Before parting, this Court would like to put on record its of word of appreciation for Miss. Rabiya Gulnaz, learned



counsel for the petitioner for the proper assistance to the Court.

(Rajiv Roy, J)

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