

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45280 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- CHEWARA District- Sheikhpura

SHREE YADAV SON OF BHGAWAN YADAV RESIDENT OF VILLAGE-
EKRAMA, PS- CHEWARA, DIST- SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Chewara P.S. Case No. 41 of 2023 instituted under under Section 30(a) and 30(c) of the Bihar Prohibition and Excise Act lodged on 30.5.2023 by the informant, Md. Kaushar Alam.

As per the prosecution story, upon knowledge that Shree Yadav is manufacturing liquor in the field, the police raided the spot, the accused escaped and 10 liters of country made liquor was recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that the alleged recovery is from an open place. He has enmity with the local 'Chowkidar' in the village, has been named and do not have criminal antecedent.

Learned APP opposes the prayer.



Considering the fact that he do not have criminal antecedent and the alleged recovery is from an open place, 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 Chewara P.S. Case No. 41 of 2023 to the satisfaction of learned Exclusive Special Excise Judge, Sheikhpura 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.

(Rajiv Roy, J)

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