

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47662 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- DEV District- Aurangabad

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YUGESH KUMAR @ YUGESH KUMAR YADAV Son of Om Prakash
Yadav Resident of Village-Singhwan, P.S.-Deo, District-Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Deo P.S. Case No. 147 of 2023 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 20.6.2023 by the informant, Raj Kumar Deo.

As per the prosecution story, the informant alleged that on information, the police reached the place of occurrence and tried to intercept a motorcycle. Although, the driver of the motorcycle tried to escape, the police caught one person while the other managed to escape after throwing the bag. Upon search, 42 liters of illicit 'Mahua' liquor was recovered. The apprehended person named the petitioner. Accordingly, the FIR.

It is the case of the petitioner that he has nothing to matter and the person who was arrested due to enmity



implicated him. The last submission is that he do not have criminal antecedent.

Learned APP opposes the prayer.

Considering the fact that the motorcycle does not belong to him, his name has come in the confessional statement 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 Deo P.S. Case No. 147 of 2023 to the satisfaction of learned Special Judge Excise Court No. 1, Aurangabad (Bihar) 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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