

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56521 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- CHANDAUTI District- Gaya

Akash Yadav @ Akash Raj S/O Sri Rajendra Yadav R/O Village- Agralli, Ps.
Chandauti, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2023 Heard the learned counsel for the petitioner and the

State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Chandauti P.S. Case No. 271 of 2023, registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

3. As per allegation, fifty liter of country made liquor has been recovered from a motorcycle. It is alleged that the petitioner fled away leaving the said motorcycle.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that this case is based on recovery of country made liquor from a motorcycle and as per police, the petitioner was driving the motorcycle carrying Mahua wine. However, he fled away seeing the police. He further submits



that the motorcycle does not belong to the Petitioner nor he was driving the motorcycle. He also submits that there is no legal basis against the Petitioner to implicate him in this case. Hence, the anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has been made accused in one more case.

7. However, the Ld. APP for the State has vehemently opposed the prayer of the Petitioner for bail.

8. In view of the aforesaid facts and circumstances, no *prima facie* case is made out against the petitioner for want of cogent legal material against him.

9. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge cum Exclusive Special Excise Court No.1, Gaya, in connection



with Chandauti P.S. Case No. 271 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

10. Ld. counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

chandan/-

(Jitendra Kumar, J)

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