

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59832 of 2023**

Arising Out of PS. Case No.-336 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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SANTOSH YADAV @ SANTOSH KUMAR YADAV son of Baiju Yadav
Village- Masimpur Po- Saramohanpur Ps- Sadar Dist- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kanchan Jha, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 07-10-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Darbhanga Sadar P.S. Case No. 336 of 2023 for the offence registered under sections 420, 467, 468, 471, 120B and 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2018 lodged on 20.05.2023 by the informant Salim Raza.

As per the prosecution story, upon secret information, the police upon knowledge that accused persons are selling liquor under the leadership of one Alamgir raided the place where 10 wheeler truck was present. Altogether 667.26 liters of foreign liquor was recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, the



‘*Chowkidar*’ has named him because he has criminal antecedent and he do not have criminal antecedent. He further submits that irrespective of the outcome of the present case, he is ready to pay Rs. 15,000/- to the Chief Minister’s Relief Funds.

Mr. Jitendra Kumar Singh, learned APP opposes the prayer for bail stating that he has criminal antecedent.

To this, learned counsel for the petitioner submits that only due to the criminal antecedent, he is being implicated one after another cases.

Taking into account the submissions put forward by the learned counsel for the parties as also that nothing has been recovered from his conscious possession, he has been named by the ‘*chowkidar*’, FIR lodged and ultimately he will have to face the trial, this Court is inclined to grant him the privilege of bail subject to payment of Rs. 15,000/- as stated above.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge 1st (Excise Act), Darbhanga in connection with Darbhanga Sadar P.S. Case No. 336 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 next one year to mark 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 the bail bonds;

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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