

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59825 of 2023

Arising Out of PS. Case No.-364 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

AJIT YADAV @ AJIT KUMAR YADAV S/o- RAM SAGAR YADAV
Village- Chakra Ps- Muffasil Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Meena Singh, APP

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 Siwan Muffasil P.S. Case No. 364 of 2023 for the offence registered under sections 30 (a) of the Bihar prohibition and Excise Act lodged on 26.06.2023 by the informant Jay Shri Prasad Singh.

As per the prosecution story, an 'Innova Car' was intercepted and allegation is that of recovery of 405 liters foreign liquor. One Raghubar Yadav was arrested who named this petitioner to be the person. Accordingly, the FIR.

It is the case of the petitioner that he has no role to play in the matter, the car does not belong to him (as stated in paragraph-8 of the petition). Further, he do not have criminal



antecedent. He further submits that irrespective of the outcome of the present case, he is ready to pay Rs. 10,000/- to the Chief Minister's Relief Funds.

Learned APP opposes the prayer for stating that the name of the petitioner has come in the confessional statement of arrested person.

Taking into account the submissions put forward by the learned counsel for the parties, he do not have criminal antecedent, name of the petitioner has come on the confessional statement and the car does not belong to him, this Court is inclined to extend him privilege of bail, subject to payment of Rs. 10,000/- 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, Court No. -II, Siwan in connection with Siwan Muffasil P.S. Case No. 364 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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