

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58628 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- DHIBRA District- Aurangabad

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Arunjay Kumar Yadav S/O Ramlakhan Yadav Village- Fulwariya, Ketaki, Ps-
Dev, Dist- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Dhibra P.S. Case No. 26 of 2021 dated 22.09.2021, instituted for
the offence punishable under Sections 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. The allegation is of recovery of 96 litres country
made liquor. It is further alleged that one Apache motorcycle
bearing registration no. BR26D8002 has also been recovered
from the place of occurrence.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case and has no concern with the alleged seized illicit liquor. It
is further submitted that petitioner is neither driver nor owner of



the said vehicle. It is further stated that the alleged motorcycle was registered in the name of one Rajesh Kumar Singh. It is alleged that the petitioner is said to have purchased the said motorcycle from one Md. Hasnain Raja. However, even then, the petitioner is not registered owner of the said seized motorcycle. Lastly, it has been submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Dhibra P.S. Case No. 26 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise II, Aurangabad, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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