

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61744 of 2023

Arising Out of PS. Case No.-140 Year-2020 Thana- KHODAWANDPUR District- Begusarai

RAM LALIT YADAV S/O BACHCHU YADAV R/O VILLAGE- MAHULI,
MAGURGARH, WARD NO. 06, PS. HASANPUR, DIST. SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate
		Mr. Shishir Kumar Shishir, Advocate
For the Opposite Party/s :		Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-10-2023 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 140 of 2020 for the offence under sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2016 lodged on 24.07.2020 by the informant, Madan Mohan Paswan.

3. As per the prosecution story, the Police intercepted a Bolero which was escorted by a motorcycle. From the Bolero, 126 liters of foreign liquor was recovered/seized. The person who was present on the motorcycle also escaped though the motorcycle alongwith the Bolero were seized. Accordingly the FIR.

4. Learned Counsel for the petitioner submits that the Bolero does not belong to him from which the alleged recovery has been made. Further, his friend, Priyaranjan @ Chhotu has



taken his motorcycle for personal work which was seized by the Police and he has been named as an accused.

5. Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 10,000/- with the Patna High Court Legal Services Committee.

6. Learned APP opposes the prayer.

7. Taking into account the fact that the alleged recovery is from the Bolero, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be deposited with the Patna High Court Legal Services Committee.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise 1st , Begusarai, in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 140 of 2020 subject to the conditions 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/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 appear before the concerned police station every fortnight for next six months to mark his 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 his bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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