

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65067 of 2022

Arising Out of PS. Case No.-342 Year-2019 Thana- ATRI District- Gaya

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Satendra Yadav @ Satyendra Yadav Son of Late Parmeshwar Yadav R/O
village- Rajwara Kala, P.S- Atri, District- Gaya Petitioner/s
Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 11-04-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Atri P.S. Case No. 342/2019 for the offence under Sections 372 and 273 of the I.P.C. read with Section 30 (a) (d) of Bihar Prohibition and Excise Act pending in the Court of learned Special Excise, Judge, Gaya lodged on 31.07.2019 by the informant Prashant Kumar.

The prosecution story, in brief, is that the informant of Atri P.S., on 31.07.2019 got an information that in village Rajwara Kala and Gehuni illegal country-made liquor is being manufactured in large scale. The police team reached there and on seeing the police party, two persons fled away who were identified by local 'Chowkidar'. Thereafter search was made and total 80 litres of country-made wine kept in two Gallons was recovered/seized alongwith other manufacturing materials.

Learned counsel for the petitioner submits that so far



as the seizure list related to the petitioner and other accused persons is/are concerned, 80 litres of country-made liquor alleged to have been recovered/seized from an open place (Bansbari) and as such it cannot be attributed to him.

It is his further submission that the petitioner do not have criminal antecedent and is ready to abide by all terms and conditions.

The learned APP opposes the prayer stating that the allegation is of recovery of 80 litres of country-made liquor.

Considering the fact that recovery is from an open place and the petitioner do not have criminal antecedent, this Court is inclined to grant him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event of his 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) with two sureties of like amount each to the satisfaction of learned Special Excise Judge, Gaya in connection with Atri P.S. Case No. 342 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions:

(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.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Ravi/Kiran-

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