

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62010 of 2023**

Arising Out of PS. Case No.-181 Year-2023 Thana- RUPAULI District- Purnia

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ANKESH YADAV @ ANKESH KUMAR S/O KARE YADAV @
KARELAL SINGH RESIDENT AT RUPAULI BASTI PS. RUPAULI , DIST.
PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, APP

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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 Rupauli P.S. Case No. 181 of 2023 for the offence under sections 30(a)/41/47 of Bihar Prohibition of Liquor & Excise Act 2022 lodged on 04.07.2023 by the informant, Mahadev Kamat.

3. As per the prosecution story, the allegation is that the Police raided the 'Basa' of the petitioner and recovered/seized 142.425 liters of foreign liquor of different brand. The witnesses present there informed that it belongs to the petitioner. Accordingly the FIR.

4. It is the case of the petitioner that he resides at a different place and had nothing to do with the 'basa' from which the alleged recovery has been shown, he do not have criminal antecedent and due to village rivalry, he has been implicated.



5. Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 20,000/- with the Patna High Court Legal Services Committee.

6. Learned APP opposes the prayer stating that allegedly it has been recovered from his 'basa'.

7. Taking into account the fact that nothing has been recovered from his conscious possession, he was not present at the spot and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 20,000/- 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 Court of the Special Exclusive Excise Judge no. 02, Purnea, in connection with Rupauli P.S. Case No. 181 of 2023 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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