

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64989 of 2023

Arising Out of PS. Case No.-192 Year-2023 Thana- RANIGANJ District- Araria

Shiv Prasad Yadav @ Chaitu Yadav @ Shiv Prakash Yadav Son Of Late Jagdish Yadav @ Dani Resident Of Village- Hasanpur Prem Nagar, Ward No. 04, Ps- Raniganj, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Learned counsel for the petitioner seeks permission to correct paragraph no. 6, in which 3406.56 litres has been typed mistakenly instead of 27 litres.

3. Permission is granted. Let the same be done in course of the day.

4. The petitioner apprehends arrest in connection with Raniganj P.S. Case No. 192 of 2023 dated 10.05.2023 instituted for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

5. The prosecution case, in short, is that on 10.05.2023 at about 17.00 hrs, while patrolling, the informant received a



secret informant that the petitioner is indulged in illegal business of liquor. After getting information, the informant along with associates reached at Rampur canal and saw that a scorio without number is coming. On seeing the police, the petitioner started fleeing away with the scorio and thrown three cartons containing total 27 litres Imperial Blue foreign liquor. The police tried to apprehend the petitioner, but he managed to escape away. The informant seized the said liquor and accordingly seizure list was prepared.

6. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is neither the owner nor the driver of the said scorio. Learned counsel for the petitioner submits that the said liquor has not been recovered from the possession of the petitioner, but the same has been recovered from the roadside. Learned counsel for the petitioner further submits that petitioner has not been arrested from the spot. Only on the basis of suspicion, the name of the petitioner has come in this case. Lastly, it has been submitted that petitioner has one criminal case against him.

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



8. 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 Raniganj P.S. Case No. 192 of 2023, he will 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 Exclusive Special Judge Excise-I, Araria subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. 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.

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

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are 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.

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

(Khatim Reza, J)

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