

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65578 of 2023

Arising Out of PS. Case No.-151 Year-2023 Thana- NAUTAN District- Siwan

Narayan Yadav Son Of Birender Yadav R/O Vill - Sukubara, P.S. - Nautan,
Dist. - Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Nautan P.S. Case No. 151 of 2023 dated 08.08.2023 instituted
for the offence punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. Allegation is recovery of 648 litres country made
liquor from Mahindra Bolero bearing no. BR29D1706, which
was being driven by the petitioner and one other co-accused.

4. 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 nothing has been recovered
from the conscious possession of the petitioner. Petitioner has
no concern with the seized liquor. The said Bolero vehicle does



not belong to the petitioner. Learned counsel for the petitioner submits that the petitioner is neither the driver nor the passenger of the said vehicle. Only on the basis of suspicion, the petitioner has been made accused in this case. Lastly, it has been submitted that petitioner has two criminal cases against him.

5. Learned A.P.P. has opposed the prayer for anticipatory 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 Nautan P.S. Case No. 151 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 Excise Court No. 2, Siwan 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 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.

IV. 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)

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