

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65681 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- GOGRI District- Khagaria

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BARE YADAV @ LAV YADAV SON OF YOSHODHAR YADAV
RESIDENT OF PURANI PAURA PS GOGRI (PAURA), DISTRICT
KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-12-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Gogri (Paura) P.S. Case No. 271 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 01.08.2023 by the informant Ajay Kumar Singh.

3. As per the prosecution story, the police intercepted a ‘*Scorpio*’ and recovered/seized 160.830 litres foreign liquor. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he is not the owner of the car, it is hard to believe that the police party in torch light identified the accused persons despite the



fact that they had no interaction with the informant. However, he concedes that the petitioner has criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid facts as also that the '*Scorpio*' does not belong to him, FIR lodged and ultimately he will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Excise Judge-1st Khagaria in connection with Gogri (Paura) P.S. Case No. 271 of 2023 subject to condition 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 *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 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 the bail bonds;

8. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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