

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65769 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- BHORE District- Gopalganj

ANIL KUMAR YADAV @ ANIL YADAV SON OF LATE RAMASHISH
YADAV RESIDENT OF VILLAGE-BELWA THAKURAI, PS- BHORE,
DISTT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 08-12-2023 Heard the parties.

2. The petitioner is apprehending arrest in connection with Bhore P.S. Case No. 338 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 10.07.2023 by the informant, Dhiraj Kumar Gupta.

3. As per the prosecution story, the police upon information proceeded to the place and found one motorcycle coming from Uttar Pradesh. As the motorcycle was intercepted the accused managed to escape and the chowkidar gave their name as Amit Yadav and Anil Yadav (*petitioner herein*). The motorcycle was seized and there was recovery of 88.560 liters of illicit liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has no role to play in the matter and the motorcycle does not belong to him and only because of his criminal antecedent, he has been



implicated by the chowkidar. Further, Amit Yadav has already been granted the privilege of anticipatory bail by a coordinate bench of this Court in Cr. Misc. No. 57285 of 2023. Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 25,000/- with the Patna High Court Legal Services Committee.

5. Learned APP opposes the prayer stating that he has criminal antecedent.

6. Taking into account the aforesaid put forward by the parties as also the fact that similar situated other co-accused Amit Yadav has been granted bail, as stated above, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 25,000/- as undertaken by the learned counsel for the petitioner.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Bhore P.S. Case No. 338 of 2023 to the satisfaction of learned Additional District and Sessions Judge- II-cum-Special Excise Court No. 1, Gopalganj subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) 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.

(Rajiv Roy, J)

Jagdish/Adnan

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