

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68008 of 2023

Arising Out of PS. Case No.-337 Year-2019 Thana- HARSIDHI District- East Champaran

KRISHNA YADAV Son of Late Harendra Rai @ Hari Rai @ Harendar Yadav
Resident of Village - Bhargawa, P.S.- Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 272, 273, 188, 308, 420/34 of the IPC and 30(a)/36/41 of the Bihar Prohibition and Excise Act.

3. Altogether 1289.940 litres of foreign liquor is said to have been recovered from different spots and it is alleged that petitioner and others had stored the liquor for sale.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no



concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired in the case on the basis of disclosure of his name by the local Dafadar and Chaukidar. The places of recovery does not belongs to the petitioner. Petitioner has two criminal antecedent of similar nature of offence and some of the co-accused have been granted anticipatory bail by the co-ordinate Bench of this Court.

5. Petitioner is agreed to deposit a sum of Rs.30,000.00 (Rupees Thirty Thousand) in the account of Lawyer's Association Welfare/ Benevolent Fund, Patna bearing Account No.42335550065, IFSC Code SBIN0010340, State Bank of India, High Court Campus Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Harsidhi P.S. Case No.337 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:



(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Lawyer's Association Welfare/ Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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