

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72874 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- SAUR BAZAR District- Saharsa

Rahul Kumar S/O Vidyanand Yadav @ Vidyanand Prasad Yadav resident of
Village- Araha, Ps. Madhepura (Bharrahi) Dist. Madhepura
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Saur Bazar P.S. Case No. 150 of 2023 dated 14.03.2023
instituted for the offence punishable under Sections 30(a) of the
Bihar Prohibition and Excise Act, 2022.

3. The allegation is recovery of 40 litres country made
liquor from jute sack, which was being carried out by the
petitioner and one other co-accused person on motorcycle
bearing Registration No. BR43M9553.

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 the petitioner has been made
accused in this case only on the basis of disclosure made by the



witness. Petitioner has no concern with the recovered liquor or motorcycle. The said motorcycle does not belong to the petitioner. Lastly, it has been submitted that petitioner has one criminal case 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 Saurbazar P.S. Case No. 150 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 A.D.J. IInd cum Special Judge Excise, Saharsha 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 their 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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