

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73061 of 2022

Arising Out of PS. Case No.-252 Year-2022 Thana- SABAUR District- Bhagalpur

JAWAHAR PRASAD YADAV S/O SHIVJI YADAV Resident of village-
Bajjnath Patti, Ward No- 11, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 188, 414, 447 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, 63 litres of foreign liquor has been recovered from white colour Scorpio. On seeing the police, five accused persons tried to flee away but two of them were finally apprehended.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern



either with the seized liquor or the place of recovery or any trade of liquor. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. It is further submitted that petitioner has not been named in the FIR. He has been made accused on the basis of fact that he is registered owner of white colour Scorpio. The only fault of the petitioner was that he got convinced by his driver to lend his car on hire for going to a wedding procession. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.25,000.00 (Rupees Twenty Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

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 Sabaur (Goradih) P.S. Case No. 252 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in PM Cares fund.

(Anjani Kumar Sharan, J)

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