

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72559 of 2022

Arising Out of PS. Case No.-166 Year-2021 Thana- BITHAN BAZAR District- Samastipur

1. RAMDAYAL YADAV S/O Bindeshwari Yadav R/V- Bhudhar Tatarahi, P.S- Bithan, District- Samastipur
2. Sanjay Yadav @ Sanjay Kumar Yadav S/O Late Chandra Yadav R/V- Bhudhar Tatarahi, P.S- Bithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioners and the State through video conferencing in view of the Covid-19.

The petitioner apprehend their arrest in connection with Bithan P.S. Case No. 166 of 2021 instituted under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, the police upon information that the accused persons including the petitioner herein have brought huge quantity of foreign liquor by the truck , kept in the premises of Middle School, Banbhaura and are selling it. Accordingly, the police reached there and in the light of the vehicle claims to have identified the petitioners and other co-accused who however managed to escape. Thereafter,



from Tata Pickup van, car and the motorcycle, the police recovered altogether 1080 litres of foreign liquor. Accordingly, seizure list prepared and the FIR was lodged.

Learned counsel for the petitioners submit that they do not have any role to play in this case and only because they are in a bad term with the police, they have been illegally implicated and it is hard to believe that in a police vehicle light, they identified all the accused persons including the petitioners herein. He further submits that the petitioners do not have criminal antecedents and one of the similarly placed co-accused, Raj Kishore Yadav has since been granted the relief of anticipatory bail vide Cr. Misc. No. 17894 of 2022 on 25.8.2022 by a coordinate bench of this Court.

The last submission is that irrespective of the result of this case, the petitioners would like to jointly contribute Rs. 50,000/- towards Patna High Court Legal Services Committee, A/C- 1413010060836 and Bihar State Legal Services Authority through Demand Draft issued by the local State Bank of India branch.

Learned APP on the other hand opposes the prayer of bail.

Taking into account the aforesaid facts including the



fact that they do not have criminal antecedents, similar placed co-accused has since been extended the said privilege, as stated above, this Court is inclined to grant them privilege of anticipatory bail subject to payment of Rs. 50,000/-, as stated above.

Let the petitioners be released on bail, in the event of their 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) each with two sureties of the like amount each in connection with Bithan P.S. Case No. 166 of 2021 to the satisfaction of learned Special Judge Excise Court-1, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the following 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 will make himself available before the police as and when required in course of investigation;

(iii) 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/her



bail bond by the Trial Court itself;

(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)

Prakash Narayan
/Ajay Singh/-

U		T	
---	--	---	--

