

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72542 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- BISHWAMBHARPUR District-
Gopalganj

MUNNA YADAV Son of Ghosh Yadav R/V- Baliwan Raimal, P.S-
Bishambharpur, Dist- Gopalganj Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Adv.
For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and the

State through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection with Bishambharpur P.S. Case No. 161 of 2022 instituted under Sections 30(a), 41(i) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution story, the police got secret information about transportation of liquor on a white Scorpio vehicle and accordingly, the same was intercepted and 224.640 litres of foreign liquor were recovered/seized. Two persons, Bhim Kumar and Mohan Giri were arrested and they narrated that this was to be supplied to amongst other the petitioner herein.

Learned counsel for the petitioner submits that he has been falsely implicated at the instance of local 'Mukhiya' and only because of that the arrested persons have named him



as a person whom they were going to deliver. He further submits that he do not have criminal antecedent.

Learned counsel for the petitioner lastly submits that on instruction without expecting the outcome of the present case, would like to contribute Rs. 50,000/- towards Patna High Court Legal Services Committee, A/C-1413010060836 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 as also that the petitioner do not have criminal history, the recovery is from Bhim Kumar and Mohan Kumar and further his name has come in confessional statement, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 50,000/-, as stated above.

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) each with two sureties of the like amount each in connection with Bishambharpur P.S. Case No. 161 of 2022 to the satisfaction



of learned Addl. Sessions Judge-IV cum Exclusive Special Excise Court-II, Gopalganj, 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/-

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