

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73873 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- BITHAN BAZAR District- Samastipur

BITTU YADAV SON OF RAJESHWAR PRASAD YADAV @  
RAJESHWAR YADAV R/O VILLAGE- SIHMA, P.S.- BITHAN, DISTRICT-  
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      03-02-2023                      Heard learned counsel for the petitioner and learned  
APP for the State through video conferencing in view of the  
COVID 19.

The petitioner apprehends his arrest in connection  
with Bithan P.S. Case 57 of 2022 for the offence registered  
under Sections 30(a) of Bihar Prohibition and Excise  
Amendment Act, 2018.

As per the prosecution story, the police intercepted the  
motorcycle and recovered altogether 14.250 liters foreign liquor.  
Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that name  
of the petitioner has come on the basis of the confessional  
statement made before the police by Pankaj Kumar. He further



disclosed that the recovered liquor pertains to Ram Babu Yadav, Bittu Yadav (the petitioner) and Photo Yadav. His further submission is that petitioner is not the owner of the alleged motorcycle bearing Registration NO. BR09P-8796. His last submission is that petitioner has not been arrested from the spot.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the fact that nothing has been recovered from his conscious possession nor the motorcycle belongs to him and he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Special Excise Court No. I, Samastipur in connection with Bithan P.S. Case No. 57 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C with further 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 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;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

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