

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72800 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

=====

Manoj Yadav, Son of Hiranman Ray Resident Of Village- Navin Gandhi Nagar,
P.S.- Dumariyaghat, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

learned APP for the State through virtual mode in view of

COVID-19.

The petitioner apprehends his arrest in connection
with Dumariyaghat P.S. Case No.136 of 2021 instituted under
Sections 30(a) of the Bihar Prohibition and Excise Act

As per the prosecution story, the allegation is that
from the 'Bathan' of the petitioner, 40 liters of countrymade
liquor was recovered. In the meantime, the accused persons fled
away who were identified by the 'Chowkidar', the petitioner
being one of them.

Learned counsel for the petitioner submits that he is
innocent, have no criminal antecedent and has been implicated
by the 'Chowkidar' and further the recovery has been shown



from the hut, which is a secluded place and not resided by the petitioner and/or his family members.

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

Taking into account the fact that the petitioner do not have criminal antecedent, the recovery of 40 liters is from the hut and he will be cooperating in the investigation and will ultimately face the trial, this Court is inclined to grant him anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Dumariyaghat P.S. Case No.136 of 2021 to the satisfaction of learned Exclusive Special Excise Court No.2, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and 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 will make himself available to 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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan/
Ajay Singh

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

