

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74445 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- FULKAHA District- Araria

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Pawan Kumar Yadav S/O Jainarayan Yadav Resident of Village and P.O.-
Manikpur, P.S.- Fulkaha, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 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 Fulkaha P.S. Case No.104 of 2021 instituted under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the police intercepted a
motorcycle coming from Nepal loaded with two bags and upon
search, 45 liters Nepali liquor was recovered/seized.
Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that name
of the petitioner came in the confessional statement of the
apprehended person, Shankar Kumar Yadav. Petitioner has no
concern either with the liquor so recovered by the police or with
the vehicle. Petitioner is not the owner of the vehicle. Nothing



was recovered from the conscious possession of the petitioner and there is no direct evidence against the petitioner in this case.

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

Considering the aforesaid fact that his name has come in the confessional statement of Shankar Kumar Yadav, the motorcycle does not belong him, he do not have criminal antecedent, as stated in para-3 of the petitioner, this Court is inclined to grant him privilege of 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 Fulkaha P.S. Case No.104 of 2021 to the satisfaction of learned Special Judge Excise, IInd, Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 /-

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