

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78539 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- YADOPUR District- Gopalganj

SATYENDRA YADAV @ SATYENDRA KUMAR YADAV S/O AMAR
YADAV R/O VILLAGE- BHAGWANPUR, P.S- NAUTAN, DISTT.- WEST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2023 Heard the parties.

2. The petitioner apprehends his arrest in connection with Yadopur P.S. Case No. 229 of 2023 for the offence registered under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 23.09.2023 by the Informant Chhotelal Paswan.

3. As per the prosecution story, the Police upon information, raided the place and apprehended one Upendra Kumar while the other accused managed to escape. From Upendra Kumar, 18 lts. country-made liquor was recovered and from the boat which was coming and reached near Gandak River, 360 lts. country-made liquor was recovered.

4. Learned counsel for the petitioner submits that he



was not at the place of occurrence but the Police forcibly got his name incorporated showing the same to be the confession of Upendra Kumar. He do not have criminal antecedents and ultimately he will be facing the trial against the alleged recovery.

5. Taking into account the aforesaid submissions put forward by the parties as also that his name has come in the confessional statement and he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

6. 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 ₹ 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-2, Samastipur in connection with Warisnagar P.S. Case No. 350 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned Police Station every fortnight for the 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;

7. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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