

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.927 of 2023

Arising Out of PS. Case No.-329 Year-2019 Thana- SHEKHPURA District- Sheikhpura

MAHENDRA YADAV SON OF RAMDHANI YADAV R/O VILLAGE-
DOIYADIH, GOMO, P.S.- TILAIYA, DISTRICT- KODERMA
(JHARKHAND) Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Priya Ranjan,Advocate

For the Opposite Party/s : Mr.Yogendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Sheikhpura (Hathiyawan O.P.) P.S. Case No. 329 of 2019 for the offence registered under Section 30(a) of Bihar Prohibition of Excise Act.

As per the prosecution story, the police upon information, started checking all the vehicles and in the process one truck bearing No. JH12B-8415 which was parked there was searched and 1422 litres of foreign liquor was recovered. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he owns the truck which is used for goods delivery, had no knowledge about its movement and/or carrying of the banned liquor in the State of Bihar and due to fault of the driver, he has



come in the judicial net. Further, irrespective of the outcome of the present case, he on its own would like to contribute Rs. 50,000/- to the account of Patna High Court Legal Services Committee.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that recovery is of 1422 litres of foreign liquor.

Considering the fact that the petitioner is the owner of the truck, nothing has been recovered from his conscious possession, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 50,000/- as stated above.

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. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge Sheikhpura in connection with Sheikhpura (Hathiyawan O.P) P.S. Case No. 329 of 2019 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 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 next one year 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;

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

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