

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4658 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- Excise P.S. District- Rohtas

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MONU YADAV SON OF SHRI BACHCHAN YADAV RESIDENT OF
VILLAGE - SANDAHA, P.S. - CHIRAIGANV, DISTRICT - VARANASHI
(U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra, Adv.
For the State : Mr.Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-03-2024 Heard Mr. Rajesh Kr. Mishra, learned counsel for the
petitioner and Mr. Dilip Kr. No.1, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable u/s 30(a), 32(1), 32(3),
41(1), 41(2) of Bihar Prohibition of Excise Act.

3. Altogether 216 liters of Beer is said to have been
recovered from a car, which was being driven by the petitioner,
who fled away from the spot on seeing the police.

4. It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. He has been falsely implicated in this case due to
ulterior motive. No incriminating article has been recovered
from the conscious physical possession of the petitioner. He has



no concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired in the case on suspicion. Petitioner is not the owner of the vehicle and there is no compliance of section 100 of the Cr.P.C. Petitioner has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Excise P.S. Case No.47 of 2023 (Excise Case No.918/2023), subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the account of Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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