

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17339 of 2024

Arising Out of PS. Case No.-4 Year-2023 Thana- KHAGARIA District- Khagaria

MITHILESH YADAV SON OF GIRDHAR YADAV RESIDENT OF JAY
PRAKASH NAGAR, WARD NO.22, POLICE STATION - KHAGARIA,
DISTRICT - KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and allegation is of recovery of
100 ml of Codeine phosphate along with five empty bottles. It is
next submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession and he came to
be implicated based on based on confessional statement of Deepak in
police custody, which does not have any evidentiary value. It is next
submitted that the petitioner will not abscond rather will co-operate
in the investigation.



4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khagaria P.S. Case No.04/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall forthwith cancel the bail bond of the petitioner and take all coercive steps to ensure petitioner is behind bars.

(Satyavrat Verma, J)

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