

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23989 of 2024

Arising Out of PS. Case No.-439 Year-2021 Thana- RAJAOLI District- Nawada

Rajkumar Yadav SON OF RUPAN YADAV R/O VILLAGE- LOHSINGHNA
JOB P.S.- AKBARPUR DISTRICT -NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-04-2024 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 offences punishable under Sections 30(a)(d) of the Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioner submits that petitioner has antecedent of five cases.
4. Allegation is of recovery of 50 litres of liquor and 2000 litres of fermented jawa mahua from a bush.
5. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even the alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large and he came to be implicated at the instance of the Chawkidar with whom petitioner is on an inimical term. It is further submitted that if the Chawkidar was aware of the



involvement of the petitioner in the occurrence then whey he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

7. 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.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rajauli P.S. Case No. 439 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than five cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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