

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22867 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- BARHARIA District- Siwan

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Ashok Kumar Yadav Son of Hareram Yadav Resident of Village- Siyadi Karn,
P.S./- Barhariya, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam

For the Opposite Party/s : Mr. Kanhiya Kishor

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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 offence punishable under Section 30(a) of Bihar Prohibition
and Excise Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 675 litres of liquor from three motorcycles. It is next
submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession and is not the
owner of any of the seized vehicles and he came to be implicated at
the instance of chowkidar. It is also submitted that if the chowkidar
was aware of the involvement of the petitioner in the occurrence then
why he did not inform the police prior to institution of the instant
F.I.R., which casts an aspersion on the case of the prosecution, when



petitioner admittedly is a person with clean antecedent.

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.500/- (Rupees five hundred) 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 Barhariya P.S. Case No.415/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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