

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31548 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- Excise P.S. District- Madhubani

Raja Kumar Yadav son of Ram Kumar Yadav Village- Manmohan Ward no 13
PS- Basopatti District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024 Heard Mr. Ratnakar Jha, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with G.O. No. 594 of 2024 arising out of Excise/Prohibition P.S. Case No. 65 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 01.03.2024.

3. As per the prosecution story, the informant alleged that on patrolling, a motorcycle was intercepted and 27 litres Nepali country made liquor was recovered/seized. As the motorcycle belongs to the petitioner, F.I.R.

4. Learned counsel for the petitioner submits that motorcycle was taken by a friend, he has little knowledge that the country made liquor is being taken on the said vehicle, only



because he has criminal antecedent, implicated. Further, the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs. 5,000/- on their own to the District Legal Services Authority, Madhubani.

5. Learned APP opposes the prayer submitting that a motorcycle belongs to the petitioner.

6. Considering the submission put for by the parties as also the fact that the F.I.R. lodged will be ultimately facing the trial, this Court is inclined to granted the privilege of anticipatory bail, subject to payment of Rs. 5,000/- on their own to the District Legal Services Authority, Madhubani which shall be used exclusively for the purchase of journals.

7. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with G.O. No. 594 of 2024 arising out of Excise/Prohibition P.S. Case No. 65 of 2024 to the satisfaction of Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani, subject to following 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 six months 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.

(Rajiv Roy, J)

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