

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40007 of 2024

Arising Out of PS. Case No.-388 Year-2023 Thana- SUPAUL District- Supaul

BINOD KUMAR YADAV @ BINOD YADAV SON OF RAMBHADUR
YADAV R/V - Dumariya, Ward No.04, P.S and Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Supaul P.S. Case No. 388 of 2023 instituted under Section 30(a) of Bihar Prohibition & Excise Amendment Act, 2018 lodged on 21.5.2023 by the informant, Alamgeer Ansari.

3. As per the prosecution story, the police intercepted a motorcycle and recovered/seized 100 ml foreign liquor. The person riding the motorcycle was arrested. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that only because of him being the owner of the motorcycle, implicated. The apprehended person is the nephew and he had taken the motorcycle. The last submission is that the petitioner do not have criminal antecedent.



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

6. Taking into account the aforesaid facts as also that the person alongwith liquor already was apprehended, he is the owner, there is no recovery from his part and do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Supaul P.S. Case No. 388 of 2023 to the satisfaction of learned Exclusive Special Judge, Excise Court No.01, Supaul subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 his attendance;

(iv) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(v) 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;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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