

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39284 of 2024

Arising Out of PS. Case No.-170 Year-2024 Thana- BRAHMPUR District- Buxar

Umesh Yadav @ Umesh Kumar Yadav son of Sahjanand Yadav @ Sajha
Yadav Village- Badki Nainizor Ps- Brahmpur Nanijor Dist- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Brahmpur (Nanijor) P.S. Case No. 170 of 2024 dated
29.03.2024, instituted for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 50.94 litres of
country made liquor from the bank of Ganga river.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that the petitioner was not present at the
place of seizure rather his name has been disclosed by local
Chowkidar. Only on the basis of statement of Chowkidar, the
petitioner has been made accused in this case. It is submitted



that the said liquor was recovered from open place near Ganga river and not from the possession of the petitioner or from his house. Lastly, it has been submitted that he has two criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Brahmpur (Nanijor) P.S. Case No. 170 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No. II, Buxar, subject to condition as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.



3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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