

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40816 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- ROSHANGANJ District- Gaya

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RAMPUKAR YADAV SON OF HULASH YADAV RESIDENT OF
VILLAGE - BIHARGAI TOLA DUMARIGARH, P.S. - RAUSHANGANJ,
DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Raushanganj P.S. Case No. 57 of 2024 for the offence under Section 30(a) of the Bihar Prohibition lodged on 29.03.2024 by the informant, Subodh Ram.

3. As per the prosecution story, upon secret information that the petitioner is selling liquor, the police reached the spot and near the boring 70 liters of country-made Mahua recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, recovery is from an open place, only due to village enmity, he has been named and the last submission is that the petitioner do not have any criminal antecedent.



5. Learned APP opposes the prayer.

6. Taking into account the aforesaid submission as also the recovery being from an open place and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. However, if it is found that the petitioner do have criminal antecedent, the order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No-V, Gaya in connection with Raushanganj P.S. Case No. 57 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative 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 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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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