

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40275 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- BARARI District- Katihar

Lalit Kumar Yadav @ Lalit Yadav @ Lali Yadav Son of Rajendra Prasad
Yadav Resident of Village- Barari Basti, P.S- Barari, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Barari P.S. Case No. 76 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition & Excise Act, 2016 lodged on 03.03.2024 by the informant, Shravan Kumar.

3. As per the prosecution story, the police upon secret information during evening patrolling, went to the place of occurrence and apprehended one Bateshwar Mahto which followed the recovery of one bottle foreign liquor and further upon his disclosure, from the Bhuskhar of Mukesh Bharti, 17.250 of foreign liquor recovered/seized. He also named this petitioner as one of the accused. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a



perusal of the FIR would show that recovery/seizure is from Bateshwar Mahto and also from Bhushkar of Mukesh Bharti and he had no role to play in the matter, do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the accused persons have named him.

6. Taking into account the aforesaid facts as also that recovery/seizure is from Bateshwar Mahto and Bhushkar of Mukesh Bharti, the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. 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 Judge, Excise Court No.-1, Katihar, in connection with Barari P.S. Case No. 76 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)

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