

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42734 of 2024

Arising Out of PS. Case No.-64 Year-2023 Thana- SIRDALA District- Nawada

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RUPLAL YADAV SON OF AKHILESHWAR YADAV RESIDENT OF
VILLAGE - DURODIH MAHTHADIH, P.S. - DOMCHANCH, DISTRICT -
KODERMA, PIN - 825418

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sirdalla P.S. Case No. 64 of 2023 for the offence under Sections 30(a)/(c)/41 of the Bihar Prohibition and Excise Act lodged on 15.02.2023 by the informant, Ashok Kumar Yadav.

3. As per the prosecution story, upon information, they reached the Bahuara Forest Dam. Although, the accused managed to escape, a motorcycle was apprehended and there was recovery of 1600 liters of fermented *mahua* beside 40 liters of *mahua*. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he do not have any criminal antecedent, only because of enmity,



the recovery/seizure has been shown from his motorcycle and in that way, he has been implicated. He further submits that the petitioner is ready to cooperate in the investigation and face the trial.

5. Learned APP opposes the prayer stating that he is owner of the vehicle.

6. Taking into account the submissions as also the fact that he do not have criminal antecedent and nothing has been recovered from his conscious possession, 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 Excise Court-I, Nawada, in connection with Sirdalla P.S. Case No. 64 of 2023 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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