

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43440 of 2024

Arising Out of PS. Case No.-2198 Year-2023 Thana- Excise P.S. District- Gaya

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YOGENDRA KUMAR SON OF SURAJDEO PRASAD @ SURAJDEV
PRASAD RESIDENT OF VILL- NAILI, P.S.- MAHKAR, DISTRICT-
GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-07-2024 1. The supplementary affidavit filed on behalf of the
petitioner is taken on record.
2. Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad learned A.P.P. for the State.
3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a) and
32(3) of the Bihar Prohibition and Excise Amendment Act,
2018.
4. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
5. Allegation is of recovery of 42.750 litres of liquor
from an auto.
6. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession and he came to be implicated based on the fact that he is owner of the seized auto. It is further submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that petitioner was completely unaware that the driver of the auto would misuse the vehicle in the manner as alleged.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise P.S. Case No. 2198 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal



antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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