

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45898 of 2024**

Arising Out of PS. Case No.-72 Year-2024 Thana- MIRGANJ District- Gopalganj

Mukesh Kumar Yadav Son of Ram Gati Chaudhary @ Ramgati Chaudhary
R/O Vill.- Siyahi Garh, P.S.- Siwan (Mufassil), Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate
For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mirganj P.S. Case No. 72 of 2024 for the offence punishable under sections 30(a) of Bihar Prohibition and Excise Act 2022 lodged on 29.02.2024 by the informant, Praveen Kumar.

3. As per the prosecution story, the informant alleged that the police intercepted a motorcycle, the accused escaped and there was recovery of 16 liters of country made liquor. Accordingly the FIR.

4. Learned counsel for the petitioner submits that the motorcycle was parked, he has nothing to do with the alleged recovery, the police has tried to implicate him. Further, he is ready to co-operate in the investigation and will be diligently



appearing in trial.

5. Learned APP opposes the prayer submitting that the motorcycle belongs to him.

6. Taking into account the fact that recovery/seizure is not from his conscious possession and he 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 Additional District and Sessions Judge 4th cum Exclusive Special Excise Court No. II, Gopalganj, in connection with Mirganj P.S. Case No. 72 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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