

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48358 of 2024

Arising Out of PS. Case No.-247 Year-2024 Thana- BARACHATTI District- Gaya

Suresh Yadav Son of Sukar Yadav R/o Village - Padum Chak, Post -
Barachatti, P.S.- Barachatti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv

For the Opposite Party/s: Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Barachatti, P.S. Case No. 247 of 2024 for the offence registered under section 30(A) of Bihar Prohibition (Amendment and Excise Act 2018) lodged on 12.05.2024 by the informant Mukesh Kumar.

3. As per the prosecution story, the police on reaching the shop of the petitioner, seized 3 liters beer. It further searched the house of Raj Kumar Manjhi and Kalwatiya Devi and recovered 15 liter and 35 liter Mahua liquor respectively from their houses. Accordingly the FIR.

4. Learned Counsel for the petitioner submits that he was not present in the shop, it is an open one, any recovery



cannot be attributed to him. However, only due to criminal antecedent, he has been implicated.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that there is a recovery from his shop.

6. Though there is recovery is from his shop, nothing has been recovered from his conscious possession, the same being an open one, FIR lodged and he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court V, Gaya in connection with Barachatti, P.S. Case No. 247 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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