

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46005 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. ASHOK YADAV S/O SITARAM YADAV @ RAMASHANKAR YADAV
R/O MANIYARA FARM, P.S- KUCHAIKOTE, DISTT.- GOPALGANJ.
2. NAGENDRA YADAV S/O SOMARI YADAV R/O BHATHWARA, P.S-
YADOPUR, DIST.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard Mr. Deepankar Raj, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kuchaikote P.S. Case No. 195 of 2024 registered under Section 30(a) of the Indian Penal Code lodged on 05.05.2024 by the informant, Boyelal.

3. As per the prosecution story, the informant alleged that while checking the vehicles, one Innova was intercepted and 51.46 liters of foreign liquor recovered/seized. Further, upon information that near NH-27 (Balathri crossing), some people were present with the illicit liquor, the police went and apprehended one person, Ram Pravesh Kumar while two accuseds managed to escape. He gave the name of the two escaped persons as the two petitioners herein. From him, there was a recovery of 330.400 liters of liquor. Accordingly the FIR.



4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that recovery has been shown from Ram Pravesh Kumar and upon his confession before the police, they have been implicated and further do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that there is recovery of liquor from Ram Pravesh Kumar and he has given the name of the two petitioners.

6. Considering the aforesaid submissions as also the fact that nothing has been recovered from their conscious possession, it is on the confession of Ram Pravesh Kumar, implicated. Both do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

7. However, if it is found that any one of them has criminal antecedent, the order shall become infructuous.

8. Let the petitioners, 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 Additional District and Sessions Judge-IV-cum-Exclusive Spl. Excise Court



No. II, Gopalganj in connection with Kuchaikote subject to condition 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 petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners 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)

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