

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49777 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- NATHNAGAR District- Bhagalpur

Amit Yadav Son of Late Geeta Yadav R/O Vill.- Chhit Roghopur
Gosiedashpur, P.S.- Nathnagar, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-08-2024 Heard Mr. Rajive Ranjan Singh, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Nathnagar P.S. Case No. 181 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 07.04.2024 by the informant, Kumar Ram.

3. As per the prosecution story, the informant alleged that upon secret information, they proceeded to the place when one person managed to escape and from the 'BASA' of the petitioner, 10 liters of country made liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that only because he has criminal antecedent, implicated showing the recovery from the



‘BASA. He submits that this is an open place having access to everyone and as such the same cannot be attributed to him.

5. Learned APP opposes the prayer submitting that the recovery is from the ‘BASA’.

6. Taking into account aforesaid submissions put forward by the learned counsel for the petitioner as also the recovery is from the ‘BASA’ which cannot be considered to be the exclusive place of the petitioner though he has criminal antecedent undertakes to diligently appear in the trial, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Nathnagar P.S. Case No. 181 of 2024 to the satisfaction of learned Additional District & Sessions Judge-12th cum Special Judge Excise-2, Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 month for next one year to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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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