

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49556 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- AMAS District- Gaya

JITENDRA YADAV S/O ASHISH YADAV R/O VILLAGE- SAWNKALA,
P.S- AMAS, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Adv. Mr. Mahendra Thakur, Adv.
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard Mr. Mahendra Thakur, learned Counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Amas P.S. Case No. 379 of 2023 for the offence registered under section 30(a) of Bihar Prohibition and Excise Amendment Act 2018 lodged on 07.11.2023 by the informant Adhir Kumar Pandey.

3. As per the prosecution story, the police intercepted a goods carrier and recovered/seized 10 liter country made liquor and 21 bags of Mahua flowers. The person arrested, Pradeep Kumar was driving the vehicle. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that admittedly, the recovery/seizure is from the driver, his name has



come only because he owns the vehicle. Further, he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he owns the vehicle.

6. Taking into account the aforesaid submissions as also the fact that recovery/seizure is from a goods carrier and the driver already was arrested. He has been named only because he is the owner of the vehicle and do not have criminal antecedent, this Court is inclined to grant him the 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 No.-V, Gaya in connection with Amas P.S. Case No. 379 of 2023 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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