

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51403 of 2024

Arising Out of PS. Case No.-134 Year-2022 Thana- Excise P.S. District- Saharsa

KARU YADAV @ CHHOTU YADAV S/O BECHAN YADAV R/O
VILLAGE- RAMPUR ITAHAR, P.S- BAIJNATHPUR O.P., DISTT.-
SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard Mr. Binod Kumar Sinha, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 134 of 2022 for the offence registered under section 30(a) of Bihar Prohibition & Excise Act lodged on 30.06.2022 by the informant Indramani.

3. As per the prosecution story, the informant alleged that upon information that in straw house of Bittu Shah, the liquor is being stored, the place was raided and 20.625 liter foreign liquor recovered/seized. The locals gave the name of the escaped persons as Bittu Shah and Karu Yadav (the petitioner herein). Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a



perusal of the FIR would show that the police raided the straw house of Bittu Shah but due to local enmity and criminal antecedent, he has been named.

5. Learned APP for the State, on the other hand, submits that the petitioner has been named by the locals.

6. Taking into account the FIR as also the submission, the recovery/seizure is from the temporary straw house of Bittu Shah, 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 Judge (Excise), Saharsa in connection with Excise P.S. Case No. 134 of 2022 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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