

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55842 of 2024

Arising Out of PS. Case No.-172 Year-2024 Thana- KESARIA District- East Champaran

1. MUKESH YADAV @ MUKESH KUMAR YADAV @ MUKESH KUMAR SON OF YOGENDRA YADAV RESIDENT OF VILLAGE - KADHAN WARD NO. 10, HUSSAINI, P.S. - KESHARIYA, DISTRICT - EAST CHAMPARAN, MOTIHARI
2. SUKESH YADAV @ SURESH YADAV SON OF CHINTAMAN YADAV @ CHINTAWAN RAI RESIDENT OF VILLAGE - KADHAN WARD NO. 10, HUSSAINI, P.S. - KESHARIYA, DISTRICT - EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Kesariya P.S. Case No. 172 of 2024 instituted under Sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 04.06.2024 by the informant, Sanjeet Kumar Rai.

3. As per the prosecution story, upon secret information, the house of the petitioner was raided and 103.320MI liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery/seizure is from a hut which has access to everyone, in



any case, it is not fully owned by him, he do not have criminal antecedent.

5. Learned APP opposes the prayer stating that the recovery/seizure is from the hut.

6. Considering the aforesaid facts/submission as also that nothing has been recovered from his conscious possession and the two petitioners do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail. However, if it is found that any of them has criminal antecedent, the order shall become infructuous.

7. Let the petitioners be released on bail, in the event of their 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) each with two sureties of the like amount each in connection with Kesariya P.S. Case No. 172 of 2024 to the satisfaction of learned Exclusive Special Excise Court No.3, Civil Court, Motihari, East Champaran 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 of the petitioners who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

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

(v) 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 the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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