

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60791 of 2024

Arising Out of PS. Case No.-408 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Sandip Yadav @ Sandip Kumar Yadav Son of Rajesh Chaudhary @ Rajesh
Yadav R/O Vill.- Mahuari Bichla Tola, P.S.- Siwan Muffasil, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Siwan Muffasil P.S. Case No. 408 of 2024 for the offence under Section 30(a) of Bihar Prohibition Excise Act, lodged on 10.07.2024 by the informant, Vrihaspat Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, the police raided a place and behind the shop in the bushes 30 liters of country made liquor recovered/seized. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he has no role to play in the matter, is a graduate, pursuing for higher studies and only due to enmity with the local *chowkidaar*, named. The last submissions is that he do not have criminal antecedent.



5. Learned APP opposes the prayer submitting that though, it has been recovered from the bushes, as per the information it belongs to the petitioner.

6. Considering the aforesaid submissions as also the fact that nothing has been recovered from the conscious possession and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Siwan, in connection with Siwan Muffasil P.S. Case No. 408 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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/her 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 his 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 his/her bail bonds.

(Rajiv Roy, J)

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