

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60666 of 2024

Arising Out of PS. Case No.-230 Year-2024 Thana- JOGAPATTI District- West Champaran

Ashok Yadav Son of Butai Yadav @ Butan Yadav Resident of Vill- Mujauna,
Harpur Ward No. 06, P.S.- Nadi, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, 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 Yogapatti P.S. Case No. 230 of 2024 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 12.07.2024 by the informant, Manoj Kumar.

3. As per the prosecution story, the informant alleged that upon information that three persons are coming on motorcycle along with the liquor, the police went there and found three motorcycles, two of which had sacks tagged to it, as it was intercepted, while one motorcycle manage to escape, the other two were intercepted and Manish Kumar and Krishna Kumar were arrested. There is total recovery of 97.200 litres of foreign liquor. Both the arrested persons gave the name of this



petitioner as the person who escaped. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has not role to play in the matter, admittedly, the recovery is from Manish Kumar and Krishna Kumar and police only to implicate him as he has criminal antecedent, named him.

5. Learned APP opposes the prayer submitting that both the arrested persons gave his name.

6. Considering the fact that recovery/seizure is from Manish Kumar and Krishna Kumar and on their confession his name has cropped up, as undertaken he will be diligently appearing in the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, 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 Judge Excise-II, Bettiah, West Champaran in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors 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 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 bail bonds.

(Rajiv Roy, J)

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