

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60656 of 2024

Arising Out of PS. Case No.-14 Year-2023 Thana- SIMRA District- Aurangabad

Rajendra Yadav Son of Ramdev Yadav Resident of village - Jogapur, P.S.-
Sherghati, District - Gaya (Bihar) Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Adv.

Mr.Aman Vishal, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, 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 Simra P.S. Case No. 14 of 2023 for the offence under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 14.03.2023 by the informant, Ramanand Sah.

3. As per the prosecution story, the informant alleged that the motorcycle and the four wheeler were intercepted and there is recovery of one carton from the motorcycle (48 bottles of 180 ML i.e., 8.6 litres of foreign liquor). There is also recovery of 69 cartons of 3360 bottles of Royal Blue IMFL. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though the motorcycle earlier belonged to the petitioner but it was subsequently transferred to one Prabhu Kumar and the documents have annexed as Annexure-2 to this petition. It is her



submission that the petitioner was implicated only on the basis of the registration certificate having no concerned with the alleged recovery, the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to deposit Rs. 10,000/- with the District Legal Services Authority, Aurangabad (exclusively for the purchase of journals).

5. Learned APP opposes the prayer submitting that recovery of a huge quantity of illicit liquor is there.

6. The FIR has been lodged, the allegation is there, a document has been provided by the petitioner to show that the said motorcycle was transferred earlier, he has got no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail, subject to deposit of Rs. 10,000/- with the District Legal Services Authority, Aurangabad (exclusively for the purchase of journals).

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 Special Judge, Excise Court no. 1, Aurangabad 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)

perwez

U		T	
---	--	---	--

