

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65029 of 2024

Arising Out of PS. Case No.-311 Year-2024 Thana- BARUN District- Aurangabad

Sagun Yadav @ Rakesh Kumar Son of Rajkeshwar Singh Resident of Village-
Kahira, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024 Heard Mr. Ashok Singh learned counsel for the
petitioner and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Barun P.S. Case No. 311 of 2024 for the offence under Section 30(a) of the Bihar Excise and Prohibition Amendment Act, lodged on 12.07.2024 by the informant, Dharmendra Kumar Yaddav.

3. As per the prosecution story, the informant alleged that upon secret information, police reached near the house of the petitioner. Though he managed to escape but his wife was taken into custody and upon search, 39.170 litre of foreign liquor/country made liquor was recovered/seized. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that only



because he has criminal antecedents, he has been implicated, and for no fault the wife was arrested. Further, the submission is that without accepting the allegation and/or the outcome of the fact that he is ready to pay Rs. 10,000/- to the District Legal Services Authority, Aurangabad (exclusively for the purchase of Journals).

5. Learned APP opposes the prayer for bail and submits that the petitioner has criminal antecedent.

6. Considering the facts that the petitioner will face the trial, recovery is from house, admittedly, the wife was arrested, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the District Legal Services Authority, Aurangabad (exclusively for the purchase of Journals) and the receipt showing purchase of journals has to be submitted with the Trial Court.

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) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Aurangabad in connection with with Barun P.S. Case No. 311 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 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)

Ankit Kumar/-

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