

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62814 of 2024**

Arising Out of PS. Case No.-219 Year-2023 Thana- LAUKAHI District- Madhubani

Shivbrat Yadav Son of Dayalal Yadav R/o - Atari, P.S - Laukahi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd., APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      13-09-2024      Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

3. Altogether 900 litres Nepali liquor has been recovered from the seized Scorpio. Petitioner is said to have managed to escape.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or the place of



recovery or any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. He has been falsely implicated in this case at the instance of his enemy. The alleged Scorpio does not belong to the petitioner. He was not apprehended on the spot. It is further submitted that similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 05.01.2024 passed in Cr. Misc. No. 82908 of 2023. Petitioner has five criminal antecedents of similar nature of offence that of the present case.

5. Petitioner is agreed to deposit a sum of Rs.30,000.00 (Rupees Thirty Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Laukahi P.S. Case No. 219 of 2023, subject to



the condition as laid down under Section 438 (2) of the Cr.P.C,  
subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

**(Anjani Kumar Sharan, J)**

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