

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64884 of 2024

Arising Out of PS. Case No.-345 Year-2024 Thana- BRAHMPUR District- Buxar

Surenbra Yadav @ Shinod Yadav S/O NANDJI YADAV R/o VILLAGE-
BARKi NAINIJOR, PS- NAINIJOR ,BRAHMPUR, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024 Heard learned Counsel for the petitioner and learned
APP for the State. Heard

2. The petitioner apprehends his arrest in connection with Brahmpur P.S. Case no. 345 of 2024 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Act lodged on 17.07.2024 by the informant ASI Arvind.

3. As per the prosecution story, on secret information, the janera field was raided and 186 litre English wine recovered/seized. The ‘*Choukidar*’ named the petitioner. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that admittedly, the recovery is not from his conscious possession rather from a field and due to enmity, the ‘*Choukidar*’ named him. The further submission is that he do not have criminal



antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the *Choukidar* has named him.

6. Taking into account the aforesaid facts as also that the recovery is from an open place not from his conscious possession and he do not have criminal antecedent, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Court no. 2 in connection with Brahmpur P.S. Case no. 345 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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