

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67796 of 2024

Arising Out of PS. Case No.-1009 Year-2023 Thana- SHERGHATI District- Gaya

Mithlesh Kumar Yadav S/o Govind Yadav R/o Village- Nagwan, P.S.- Itkhori,
District- Chatra, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the State : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-10-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sherghati (Bahera) P.S. Case No. 1009 of 2023 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 21.09.2023 by the informant, Pawan Kumar.

3. As per the prosecution story, the informant alleged that during the vehicle inspection a motorcycle was intercepted and 29 bottles each contains 375 ml of foreign liquor recovered/seized. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that admittedly, the persons riding on it namely Nirala Kumar and Shishu Pal Kumar were arrested from the spot and only because the motorcycle belongs to the petitioner, implicated. Further, one



of them is maternal brother who had taken the motorcycle. The last submission is that the petitioner do not have criminal antecedent.

5. Learned APP opposed the prayer submitting that he owns the motorcycle.

6. Though the petitioner owns the motorcycle, the fact remains that the persons from whom the liquor was recovered/seized have already been arrested, he will be ultimately facing the trial, do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. V, Gaya, in connection with Sherghati (Bahera) P.S. Case No. 1009 of 2023, 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/her 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/her bail bonds.

(Rajiv Roy, J)

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