

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68194 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- Narhiya District- Madhubani

Dilip Kumar Yadav Son of Ramji Yadav R/o- Ward No. 02, Village- Rasuar
Kyota Patti, Rasuar, PS- Nadi, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, 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 Narahiya P.S. Case No. 23 of 2024 for the offence under Sections 272 and 273 of the I.P.C. and 30(a) of the Bihar Prohibition and Excise Act lodged on 10.05.2024 by the informant, Sunil Kumar.

3. As per the prosecution story, the informant alleged that having found a Scorpio car coming in a high speed, it was intercepted. Though the driver managed to escape, there is recovery/seizure of 143.250 liters of *Nepali* liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because he has criminal antecedents, has been implicated. Though he owns the vehicle, the same was being driven by the driver and he had no knowledge of the vehicle having been



loaded with the liquor. Further, the submission is that without accepting the allegation and/or the outcome of the petition, the petitioner intends to deposit Rs. 50,000/- with the District Legal Services Authority, Madhubani (for the purchase of journals).

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Though the petitioner has criminal antecedent, the fact remains that the vehicle was handed over to the driver, he is the owner, FIR lodged and will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 50,000/- to the District Legal Services Authority, Madhubani for the purchase of journals which has to be submitted by way of Bank Draft addressed to the District Legal Services Authority, Madhubani at the time of execution of bail bond.

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 Act, Jhanjharpur in connection with Narahiya P.S. Case No. 23 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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)

Adnan/-

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