

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72123 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- BARGAINIA District- Sitamarhi

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Guddu Yadav @ Guddu Kumar Son of Mahendra Yadav @ Mahendra Rai
Resident of Village - Masaha Alam, Ward No. 03, P.S. - Bairania, District -
Sitamarhi - 843313

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with

Bairania P.S. Case No. 186 of 2024 dated 29.07.2024,

instituted for the offence punishable under Sections 30(a)(c) of

the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. The allegation is of recovery of 281.4 litres Nepali

Saufi liquor from four bags kept on three motorcycles.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and he has been falsely implicated in this

case. It is further submitted that petitioner was not arrested at

the spot, the name of the petitioner has been dragged in this only

on the basis of disclosure made by the local Chaukidar. It is



further submitted nothing has been recovered either from the conscious possession or from the house of the petitioner. It is further submitted that petitioner is not the owner of the motorcycles from which the illicit liquor was recovered. Lastly, it has been submitted that petitioner has nine criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bairagania P.S. Case No. 186 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Sitamarhi, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused 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 the proceeding for cancellation of bail on ground of misuse.
4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
5. The petitioner shall appear before the Police Station of his local area every fortnight to mark his attendance till conclusion of the trial.

(Khatim Reza, J)

Sankalp/-

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