

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75762 of 2023

Arising Out of PS. Case No.-323 Year-2023 Thana- KOTWALI District- Munger

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1. SUBODH YADAV SON OF RAJENDRA YADAV RESIDENT OF VILLAGE- LALDARWAJA, CABLE BABA GALI, PS- KOTWALI, DIST- MUNGER
 2. VINOD YADAV SON OF LATE SAMBHU YADAV RESIDENT OF VILLAGE- LAL DARWAJA, BAGICHA KE PASS, PS- KOTWALI, DIST- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Anshuman
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. At the very outset, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1, submitting that during pendency of this application petitioner no.1 has been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1 only.

5. Now, this application survives only for petitioner no.2.



6. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30 (a) and 32 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

7. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 60 liters of country made liquor is said to have been recovered from the place of occurrence. The allegation against the petitioner is that after seeing the police party he managed to escape from the place of occurrence. 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 not specific rather general and omnibus in nature. Petitioner has six criminal antecedents and out of six two are the similar nature of the offence as mentioned in para-3 of this application.

8. Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in the account of Mahavir Cancer Sansthan, bearing Account No.3332964762, Central Bank of India, Chitkohra Branch, IFSC Code :CBIN0282779 (fifth character is zero), MICR Code : 800016018.



9. 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 Kotwali P.S. Case No. 323 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

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

(Anjani Kumar Sharan, J)

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