

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75511 of 2024

Arising Out of PS. Case No.-63 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Abhay Kumar Yadav @ Abhay Kumar Son of Late Shivmangal Chaudhari @
Shivmangal Yadav Resident of Village- Lusi Kala, Dhanuti, Ps- Dhanauti, Op
Siwan Muffassil, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Siwan Muffasil (Dhanauti O.P.) P.S. Case No. 63 of 2022 for the offence under Sections 30(a) of the Bihar Excise Prohibition Act, 2016 lodged on 05.02.2022 by the informant, Rajesh Kumar.

3. As per the prosecution story, the informant alleged that on secret information, when he reached Luhasi Kala More, two persons tried to flee away after seeing his jeep. One person namely Janardan Sah is apprehended on the spot, whereas other person has fled away who is claiming to be the present petitioner. From the possession of Janardan Singh, recovery of



one fruiti like substance and 200 ML of Buntly Babli desi liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the alleged recovery and his name has been dragged in this case on the confessional statement of the main accused Janardan Singh.

5. Learned APP opposes the prayer for bail and submits that the petitioner has three criminal antecedents.

6. From perusal of the F.I.R. it appears that nothing incriminating has been recovered from the conscious possession of the petitioner rather his name has come on the basis of confessional statement of co-accused – Janardan Singh. Keeping in view the aforesaid facts, 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) each with two sureties of like amount each to the satisfaction of learned Special Exclusive Excise Court II, Siwan, in connection with Siwan Muffasil (Dhanauti O.P.) P.S. Case No. 63 of 2022 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 bail bond by the Trial Court itself;

(iii) 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;

(iv) 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.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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