

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76154 of 2024

Arising Out of PS. Case No.-295 Year-2024 Thana- BAIRIYA District- West Champaran

Rambhaju Yadav @ Rambhaju Kumar Son of Gama Yadav Resident of Vill-
Dumariya, P.S.- Bairiya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present case has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Bairiya P. S. Case No.295 of 2024 lodged under Sections 274 and 275 of Bharatiya Nyaya Sanhita, 2023 read with Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, the FIR has been lodged against the petitioner with allegation that upon secret information, the *Chowkidar* and local police had recovered total 121.8 liters of wine from a sugarcane field where the petitioner was identified when he tried to flee away.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the seizure list, it become crystal clear that only 86.58 liters of liquor has been recovered from the field.

5. Learned Counsel further submits that the petitioner's name has been figured in this case by virtue of *Chowkidar* and local police. He further submits that antecedent of the petitioner is clean.

6. Learned APP for the State opposes the prayer for bail.

7. In the present facts and circumstances, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Judge Excise-1, Bettiah, West Champaran in connection with Bairiya P. S. Case No.295 of 2024, subject to the conditions as laid down u/s 482(2) of the BNSS, 2023 with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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