

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81429 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- GUTHANI District- Siwan

VYAS CHAUDHARY @ VYAS YADAV son of Saurath Yadav Village-
Kakariya Dih Ps- Darauli Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-01-2024 Heard Mr. Krishna Kumar Yadav, learned counsel for the
petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the
State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable u/s 414 of the IPC and 30
(a) of Bihar Prohibition and Excise Act.

3. Altogether 357 liters of country made liquor is said to
have been recovered from four motorcycles and one person
was apprehended, who disclosed that the petitioner and others
fled away on seeing the police.

4. It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. He has been falsely implicated in this case due to
ulterior motive. No incriminating article has been recovered



from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired in the case on the statement of the apprehended co-accused. None of the vehicles from which recovery has been made, belongs to the petitioner. Petitioner has six criminal antecedent, out of which, five are of similar nature of offence.

5. Petitioner is agreed to deposit a sum of Rs.30,000.00 (Rupees Thirty Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. 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 Guthani P.S. Case No.144/2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:



(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

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

(Anjani Kumar Sharan, J)

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