

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79561 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- PATKHAULI District- West Champaran

Saheb Yadav S/O Amar Yadav R/O Village- Gandhi Chowk, Bagaha -1 P.S -
Bagaha, Dist.-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate

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

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

ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Pathkauli P.S. Case No. 122 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016, lodged on 27.08.2024 by the informant, Harish Chandra.

3. As per the prosecution story, recovery of 150 litre of country made liquor has been made from a motorcycle which was being driven by one Anil Kumar who was apprehended on the spot and it is alleged the present petitioner is accomplice of Anil Kumar.

4. Learned counsel for the petitioner submits that no illicit liquor has been recovered from the conscious possession



of the petitioner rather his name has come in this case on the confessional statement of co-accused namely Anil Kumar made before the Police. Counsel further submits that the proper procedure of search and seizure has not been followed and he has falsely been implicated in this case.

5. Learned APP opposes the prayer for bail and submits that the petitioner has one criminal antecedent of the same nature, in which he is on bail.

6. Taking into account the fact that nothing has been recovered from the conscious possession of the petitioner and his name arrayed in this case on the confessional statement of Anil Kumar, 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 Judge, Excise, Bagaha, West Champaran in connection with Pathkauli P.S. Case No. 122 of 2024 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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