

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78242 of 2024

Arising Out of PS. Case No.-779 Year-2024 Thana- Excise P.S. District- Lakhisarai

Mahal Yadav @ Sulendra Kumar Son of Brahmdeo Yadav r/O-Village-
Banshipur, PS- Kiul, District -Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Adv.
For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Excise P.S. Case No. 779-C of 2024 registered under Sections
30(a) and 44 of Bihar Excise Act.

3. Altogether, 10 liters country made *Mahua* liquor was
recovered from the motorcycle bearing Reg. No. BR38-V-5542.
Co-accused Ranjan Kumar apprehended on spot who disclosed
the name of the petitioner.

4. Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been
implicated in the present case due to high handedness of police.
Further submission is that petitioner has no concern neither with
the seized motorcycle nor with the illicit liquor. Nothing has



been recovered from the conscious possession of the petitioner. The name of the petitioner has come merely on the confessional statement of apprehended accused person. Petitioner has got one criminal antecedent in which, he is on bail.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five 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.

6. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of 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 Excise P.S. Case No. 779-C of 2024, subject to the conditions 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 the aforesaid amount in the account of Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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