

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79577 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- ARER District- Madhubani

Gurudev Yadav @ Jay Gurudev Yadav @ Jaygurudev Yadav S/o- Lakshmi
Yadav Village- Bhaduli Parkauli Ps- Arer Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, 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 Arer P.S. Case No. 119 of 2024 for the offence under Sections 274, 275, 3(5) of Bhartiya Nyay Sanhita 2023 and Section 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 13.09.2024 by the informant, Neha Nidhi.

3. As per the prosecution story, during the course of patrolling, the police saw a person and a child carrying a bag. The child was apprehended and the said person succeeded to flee away. Upon search of the said bag recovery of 3.375 litre of Nepali liquor has been made, which is the subject matter of the present case.



4. Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner rather his name has come in this case on the basis of statement made before the police by one Chandan Kumar who is son of this petitioner. He further submits that proper process of search and seizure has not been followed in this case.

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

6. 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 Additinal District and Sessions Judge 2nd cum Special Judge (Excise Act), Madhubani, in connection with Arer P.S. Case No. 119 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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