

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79546 of 2024

Arising Out of PS. Case No.-440 Year-2024 Thana- Excise P.S. District- Nawada

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Anoj Yadav @ Anuj Kumar Son of Vijay Yadav village- Bajawatari, ps-
Rajauli, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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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 Excise P.S. Case No. 440 of 2024 for the offence under Sections 30(a) and 30(c) of the Bihar Exice and Prohibition Act lodged on 17.06.2024.

3. As per the prosecution story, F.I.R. has been lodged against four named accused persons including the present petitioner. Total recovery of 100 litres of illicit liquor has been recovered which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that nothing illicit liquor has been recovered from the conscious possession of the petitioner, rather the alleged recovery has been made from the forest area. He further submits that the criminal



antecedent of the petitioner is clean and his name has sprang up in this case on the statement of villagers made before the Police.

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that the antecedent of the petitioner is clean and recovery has not been made from his conscious possession, and other co-accused namely Subodh Kumar has been granted bail from a co-ordinate Bench of this Court vide order dated 12.11.2024 in Criminal Miscellaneous No. 75889 of 2024 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. 30,000/- (Thirty thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-2, Nawada in connection with Excise P.S. Case No. 440 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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