

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84405 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- OBRA District- Aurangabad

Rajesh Yadav Son of Ramjit Yadav Resident of Village - Mahdeva, Tejpura,
P.S. - Obra, District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rupa Kumari, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Obra P.S. Case No. 68 of 2024, dated 24.02.2024 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation there was recovery of 30 liters liquor from a hut situated at *Sone Diara*. However, the persons involved in the alleged offence, had fled away.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is no way connected with the alleged offence. This case is based only on suspicion



without any legal basis and the right to liberty of the person cannot be curtailed on such allegation. He further submits that no liquor has been recovered from the possession of the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has been made accused in Obra P.S. Case o. 140 of 2023 for same offence in which he is on bail.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 2nd, Aurangabad, in connection with Obra P.S. Case No. 68 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the



following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing them and getting satisfied that the petitioner has concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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