

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69831 of 2024**

Arising Out of PS. Case No.-101 Year-2024 Thana- GOGRI District- Khagaria

Amit Yadav Son of Ajay R/o Village- Usri, P.S.- Gogari, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      10-01-2025                      Heard the parties.

2. The petitioner is apprehending arrest in connection with Gogari P.S. Case No. 101 of 2024 instituted under Sections 188, 290 of the Indian Penal Code and section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 17.03.2024 by the informant, Manoj Kumar.

3. As per the prosecution story, upon information that the liquor is being manufactured in the field of Kallar Yadav, the police reached the place. The accused managed to escape but the 'Chowkidar' named them which included this petitioner. 10 liters of Desi Chulai Mahua as also 500 liters of illicit liquor were destroyed. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that nothing has been recovered



from his conscious possession, only because of criminal antecedent, he has been implicated due to enmity with the 'Chowkidar'. He further submits that similar placed co-accused have been granted relief by this Court in Cr. Misc. No. 40272 of 2024.

5. Learned APP opposes the prayer submitting that he is named in the FIR.

6. Taking into account the fact that the recovery is from an open place, the petitioner has been named, he will be facing the trial as also similar placed co-accused have been granted relief, as stated above, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Gogari P.S. Case No. 101 of 2024 to the satisfaction of learned Exclusive Special Excise Judge 1<sup>st</sup>, Khagaria subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) 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;

(v) 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.

**(Rajiv Roy, J)**

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