

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76884 of 2024

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

Chandan Yadav Son of Vijay Yadav Resident of village - Usri, P.S.- Gogari,
District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-02-2025 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 nothing has been recovered from his conscious possession and



only because of criminal antecedent, he has been implicated. Further, co-accused Angad Yadav and Anr. have been granted bail in Cr. Misc. No. 40272 of 2024.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

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 1st, 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 members/relatives of the petitioner, who shall provide official



document to show his *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 attendance;

(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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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