

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74765 of 2024

Arising Out of PS. Case No.-531 Year-2024 Thana- Excise P.S. District- Siwan

Sri Bhagwan Yadav Son of Late Chaudhary Resident of Village -
Ghambhirpur Yadav Tola, P.S. - Nautan, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-01-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with A.B.P. No. 2208 of 2024 arising out of Siwan Excise P.S. Case No. 531 of 2024, registered on 02.09.2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, total recovery of 162 litres of illicit desi wine has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from the seizure list, it becomes crystal clear that the said recovery has been made from the *baswari* which is an open place. Counsel further submits that the recovery has not been



made from his possession. Counsel also submits that the only negative aspect against the petitioner is that the criminal antecedent of the petitioner is not clean, there is one criminal case pending against him in which he is on bail.

5. Learned APP for the State opposes the prayer for bail and submits that petitioner's antecedent is not clean.

6. In the present facts and circumstances, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court below within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Excise Court No. II, Siwan in connection with A.B.P. No. 2208 of 2024 arising out of Siwan Excise P.S. Case No. 531 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023. with other following conditions:-

(i) one of the bailor should be the family member 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 bonds by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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.

7. It is made clear that the order shall be effective only when the petitioner shall satisfy the Court that he is not absconding in Nautan P.S. Case No. 113 of 2023.

(Dr. Anshuman, J.)

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