

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28905 of 2020

Arising Out of PS. Case No.-114 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Vishal Yadav aged about 25 Years, Gender- Male, Son of Late Ramesh Chaudhary @ Mithlesh Yadav, Resident of Village- Laxmipur, Police Station -Siwan Town, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-12-2020 Heard Mr. Bijay Prakash Singh , learned counsel for the petitioner and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with Excise Case No. C-III 114 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation as per the First Information Report is that on the basis of information received by Excise Officials, they proceeded towards the place of occurrence and upon seeing the raiding team one miscreant succeeded in fleeing away leaving Scorpio and motorcycle on spot, the person was



identified by the raiding party in the light of the Police vehicle. Police recovered a total quantity of 324 liters of illicit liquor from the Scorpio and 19 liters 800 ml of illicit liquor from the motorcycle.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of identification of the petitioner by the raiding party only. Learned counsel further submits that petitioner has got no criminal antecedent. Referring to paragraph -8 of this bail application learned counsel submits that petitioner is neither the owner of the Scorpio vehicle nor the motorcycle in question. Learned counsel further submits that at the time of search and seizure the procedure prescribed under Section 100 of the Cr.P.C. has not been followed and no illicit liquor has been recovered from the conscious possession of the petitioner or from the vehicles belonging to him.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that no illicit liquor has been recovered from the premises or the vehicles belonging to the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant



anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise, Siwan / court concerned in connection with Excise Case No. C-III 114 of 2020 , subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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