

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35099 of 2021

Arising Out of PS. Case No.-212 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

AKHILESH KUMAR YADAV S/o- GORAKH NATH YADAV R/o Vill.-
Kharid, Kazipur, P.S.- Sikandarpur, District- Ballia, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences under Section 30(a) of the Excise Act.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case as mentioned in paragraph
'3' of the anticipatory bail application and the informant alleges
that a Bolero pickup vehicle was coming from the side of U.P.
and the same was stopped by Excise Officials and the driver of
the vehicle fled away and during the course of search of the
vehicle, 504 litres of liquor was recovered.

Learned counsel for the petitioner submits that the
informant specifically has alleged that the driver of the vehicle
fled away. It is next submitted that petitioner is the owner of the



vehicle and on the date of occurrence he was in custody in connection with the case mentioned in paragraph '3' of the anticipatory bail application. It is further submitted that the petitioner was completely unaware that the driver of the vehicle was carrying liquor, it is next submitted that since the petitioner was not arrested from the spot and also that he was in custody on the date of occurrence, as such it cannot be alleged that liquor was recovered from his conscious possession.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Official P.S. Case No. 212(0) of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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