

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37867 of 2022

Arising Out of PS. Case No.-391 Year-2021 Thana- RAHUI District- Nalanda

Shiv Kumar Yadav, Son Of Krishnandan Prasad Resident Of Kornama, Ps-
Wena, Distt.- Nalanda

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act, 2016.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 355.875 litres of liquor from the house of Shambhu Chauhan.

The learned counsel for the petitioner submits that the petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that even the alleged recovery is from a place which does not belong to the petitioner. It is next submitted that from perusal of the F.I.R., it would manifest that the informant alleges that it was the petitioner



and others, who used to bring liquor for selling, but then the F.I.R. is completely silent that on what basis the informant came to know about the petitioner i.e. whether based on secret information or the name was disclosed by the villagers or Chaukidar. It is next submitted that since petitioner is a person with clean antecedent, a such, it appears that he was made a scapegoat for saving the real culprit.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rahui P. S. Case No.391 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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