

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9414 of 2023

Arising Out of PS. Case No.-570 Year-2022 Thana- SIWAN CITY District- Siwan

Abhishek Kumar Chaturvedi, aged about 33 years, Male, Son of Lalan Chaturvedi, resident of Village- Santhi, P.S.- Raghunathpur, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shabina Talat, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-05-2023 Heard Ms. Shabina Talat, learned counsel appearing on behalf of the petitioner and Mr. Abhay Kumar Roy, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Siwan Town P.S. Case No. 570 of 2022 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. As per the FIR, altogether 7.5 litres of foreign liquor was recovered from a Scorpio vehicle bearing Registration No. BR28AA-8443, Vehicle Sr. No. MA1TA251X62C86339, Engine No. SJ64C10849.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. Petitioner was not present at the place of occurrence. No recovery was made from the



possession of the petitioner. The petitioner has one criminal antecedent in connection with Raghunathpur P.S. Case No. 77 of 2020 registered for offences punishable under Sections 341, 323, 324, 504, 379 and 34 of the Indian Penal Code and to that effect he has made a specific statement in paragraph no. 3 of the bail application.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. The Court below is directed to obtain report with respect to the ownership of the seized vehicle on the basis of Registration Number as well as Chassis Number and Engine Number from the District Transport Officer, Siwan. If it is found that the seized vehicle is not registered in the name of the petitioner in that case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. IInd, Siwan, in connection with Siwan Town P.S. Case No. 570 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



7. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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