

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47314 of 2023

Arising Out of PS. Case No.-439 Year-2022 Thana- MAIRWAN District- Siwan

Praveen Kumar Yadav S/O Ramayan Prasad Yadav R/O Village- Murera, Ps.
Darauli, Dist. Siwan, At Present 2094/4p3, Gali No. 17, Prem Nagar, Patel
Nagar, S.O-Central Delhi, Pin- 110008

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Ashok Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Pawan Kumar
Chaurasia, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Mairwa P.S. Case No. 439 of 2022 registered under Section
30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the allegation made in the F.I.R a total 126
litres of country made liquor recovered from a Santro car
bearing registration No. DL 4CS-0237.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is the owner of the alleged
vehicle and he had made an agreement with one Vigal Singh to
drive the car in the village and he was not aware of the fact that

126 litres of liquor was in the car on the day it was seized. Learned counsel further submits that petitioner was in Delhi along with his family members on the alleged date of occurrence. Learned counsel further submits that petitioner has no criminal antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having considered the nature of allegation made against the petitioner as well as the fact that petitioner being the owner of the alleged vehicle has been implicated in the present case and he was also not present at the place of occurrence. The petitioner has no criminal antecedent.

7. In above view of the matter, I am of the opinion that the petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

8. Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Excise Judge-I, Siwan in connection with Mairwa P.S. Case No. 439 of 2022, subject to the condition as

laid down under Section 438(2) of the Cr.P.C.

9. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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