

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53662 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- SIMRI District- Buxar

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DAYASHANKAR YADAV @ LALLU YADAV SON OF SHIV JEE YADAV
RESIDENT OF VILLAGE - KANSPUR DIYAR, P.S. - BALIYA CITY,
DISTRICT - BALIYA (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 60.480 liters of liquor from a motorcycle.

4. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such, nothing was recovered from his conscious possession and he came to be implicated being owner of the seized motorcycle, it is next submitted that no prudent person would use his own vehicle for



committing an occurrence and thus would create evidence against himself and hence would get implicated. It is further submitted that petitioner was completely unaware that his friend Lakshman Yadav would misuse the vehicle in the manner as alleged, as he was also apprehended from the spot.

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

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Simri (Dera O.P.) P.S. Case No. 19 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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