

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56532 of 2023

Arising Out of PS. Case No.-430 Year-2023 Thana- BEUR District- Patna

Shashi Bhushan Yadav S/O Ram Neh Rai R/O Village- Goriba Khap, Ps.
Kalyanpur, Dist. Motihari (East Champaran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roushan, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-09-2023 Heard Mr. Jagjit Roushan, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Beur P.S. Case No. 430 of 2023, registered for the offences
punishable under Sections 379 and 411 of the Indian Penal Code
and Sections 30(a) and 33 of the Bihar Prohibition of Excise
Act.

3. Allegedly, in course of checking, the police
intercepted a Bolero vehicle bearing Registration No. BR06PA-
9438. In course of search, total 360 liters of spirit like substance
was recovered. It is further alleged that the apprehended persons
disclosed the name of the petitioner and others.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has neither any concern with the Bolero vehicle nor with the illicit spirit like substance, however, only on account of the fact that there was an enmity between the apprehended person and the petitioner, his name has been implicated at the instance of apprehended person. He further submits that save and except the disclosure made by the apprehended co-accused, there is no material suggesting his complicity in the present crime. That apart, he is a man of fair antecedent. He also submits that there are other infirmities in the search and seizure and, moreover, the petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has no concern with the alleged seized vehicle, coupled with his fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Special Judge
Excise, Patna in connection with Beur P.S. Case No. 430 of
2023, subject to the conditions laid down in Section 438(2)
Cr.P.C. with the further condition that one of the bailors shall be
the own/close family members of the petitioner.

(Harish Kumar, J)

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