

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56681 of 2023

Arising Out of PS. Case No.-310 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Dinesh Yadav, aged about 29 years, Male Son of Chandeshwar Yadav,
Resident of Village- Thepaha, P.O.- Thepaha, P.S.- Jiradei, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Siwan Muffasil P.S. Case No. 310 of 2023 dated 06.06.2023
instituted for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of
243 liters of illicit liquor from the Scorpio vehicle.

4. Learned counsel for the petitioner submits that the
petitioner is owner of the Scorpio vehicle which is a commercial
vehicle which was taken for rent by one Shiv Kumar Yadav and
the petitioner has no concern with the seized liquor. Nothing
has been recovered from the conscious possession of the
petitioner and he has no knowledge about what was loaded in
the vehicle. Learned counsel for the petitioner further submits



that similarly situated co-accused persons namely Shiv Kumar Yadav and Mantu Yadav @ Mantu Kumar Yadav @ Mintu Yadav have been granted anticipatory bail by a coordinate Bench of this Court vide orders dated 11.07.2023 and 19.08.2023 in Cr. Misc. Nos. 42694 of 2023 and 49491 of 2023, respectively. Petitioner has no criminal antecedent.

5. Learned APP opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner above named be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge No. II, Siwan in connection with Siwan Muffasil P.S. Case No. 310 of 2023, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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