

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57285 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- BHORE District- Gopalganj

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Amit Yadav @ Amit Kumar Yadav, male, aged about 33 years, son of Late Ramashish Yadav, Resident Of Village- Belwa Thakurai, P.S- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2023 Heard Mr. Shailendra Kumar Dwivedi, learned counsel appearing on behalf of the petitioner and Mr. Narendra Kumar Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bhore P.S. Case No. 338 of 2023 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 allegation made in the FIR, 88.560 litres of illicit liquor was recovered from a TVS motorcycle bearing Registration No. UP52-AZ-5395.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case merely on the basis of



suspicion and no specific allegation has been made against the petitioner. He further submitted that neither the alleged seized motorcycle bearing Registration No. UP52-AZ-5395 nor the seized illicit liquor belongs to the petitioner. Petitioner has been made accused in three other cases of similar nature under Excise Act, in which he is on bail. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Considering the nature of allegation made in the FIR as well as the fact that petitioner has been implicated in the present case merely on the basis of suspicion and no specific allegation has been made against the petitioner. Petitioner has been made accused in three other cases of similar nature under Excise Act, in which he is on bail. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. 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 Additional District and Sessions Judge –
II-cum-Special Excise Court No. I, Gopalganj in connection
with Bhore P.S. Case No. 338 of 2023, subject to the condition
as laid down under Section 438(2) of the Cr.P.C.

**8. 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)

Niraj/Nilmani

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