

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68490 of 2023

Arising Out of PS. Case No.-799 Year-2023 Thana- Excise P.S. District- Siwan

Hridya Yadav Son Of Late Paras Yadav, Resident Of Village - Fulwaria
Mukariar, P.S. - Mairwa, District - Siwan

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Excise P.S. Case No. 799 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He has got no criminal antecedent.

3. As per the prosecution story, on 05.08.2023, the informant while on patrolling duty saw a Scorpio vehicle coming from Siwan. It is alleged that the said vehicle was asked to stop on which the accused persons tried to flee away leaving the vehicle but one of the accused persons was apprehended. Upon search, twelve litres liquor was recovered from the said vehicle.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner transpired during the course of investigation being owner of the vehicle. The petitioner was not in the vehicle when the alleged recovery of liquor was made. It is further submitted that there is no independent witness to the alleged seizure.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein the name of the petitioner is said to have transpired in course of investigation as owner of the vehicle, he was not found present in the vehicle when the vehicle was intercepted by police, the submission being that there is no independent witness to the alleged seizure and nobody has identified the petitioner at or near the place of occurrence, the petitioner has otherwise no criminal antecedent, hence this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Excise P.S. Case No. 799 of 2023 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 Exclusive Special Judge, Excise Court



No.-II, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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