

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8023 of 2024

Arising Out of PS. Case No.-851 Year-2023 Thana- Excise P.S. District- Siwan

Abhishek Kumar Yadav @ Abhishek Yadav Son of Birendra Yadav R/O-
Thepaha Uttar Tola, P.S.-Jiradei, Distt.-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Shahi, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Siwan
Excise P.S. Case No. 851 of 2023 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016 (Amended 2022).

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police party, the accused persons, after leaving the
Scorpio vehicle, started to flee away from there. On chase, one
person was apprehended at the spot but, other four persons
managed to escape from the place of occurrence. The
apprehended person disclosed his name as Shradanand Singh.



He also disclosed the name of other four persons as Manoj Kumar Gupta, Rishu Singh, Abhishekh Yadav (the petitioner) and Bittu Kumar Yadav respectively. On search, the police recovered altogether 643.680 liters of illicit liquor from the Scorpio vehicle bearing Registration No. BR05U0178.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner is neither owner nor the driver of the seized Scorpio vehicle. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized article or the vehicle and he was not apprehended at the spot rather his name has sprung in this case on the basis of the disclosures made by the arrested person. The petitioner has three criminal antecedents as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 09.11.2023.

5. Learned counsel for the petitioner again submits that the person who was arrested at the spot has been granted bail by a Co-ordinate Bench of this Court vide order dated



08.02.2024 passed in Cr. Misc. No. 71253 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Siwan Excise P.S. Case No. 851 of 2023.

(Rudra Prakash Mishra, J)

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