

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26629 of 2024

Arising Out of PS. Case No.-651 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Arvind Yadav, S/o Sri Ramesh Yadav @ Ramesh Chaudhari R/o vill -
Tirmanpur @ Tilamapur, P.s. - Nautan, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The defects, as pointed out by the office, are
ignored in view of the submission made by the learned counsel
appearing on behalf of the petitioner that a supplementary
affidavit has been filed removing the defects.
3. The Office is directed to place the supplementary
affidavit on record.
4. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.
5. The learned counsel appearing on behalf of the
petitioner submits that petitioner has antecedent of six cases and
allegation of recovery of 495 litres of liquor from a Tata Sumo



Gold Vehicle.

6. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and is not the owner of the seized vehicle and he came to be implicated based on secret information, which is the easiest way to implicate someone. It is next submitted that it appears that the police in order to save the real culprit falsely implicated the petitioner in the instant case. It is further submitted that petitioner in similar manner has been implicated in various cases relating to excise cases.

7. Learned A.P.P. opposes the anticipatory bail application.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, Siwan in connection with Siwan Mufassil P. S. Case No.651 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



9. The application stands allowed.

10. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than six cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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