

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29880 of 2024

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

Vishal Kumar Yadav @ Vishal Yadav S/o- Surendra Yadav R/o Vill- Titra,
P.S- Mairwa, Dist- siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 22-04-2024 1. Heard learned counsel for the petitioner as well as learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 12 liters of liquor from a Scorpio vehicle.
4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is neither the owner nor the driver of the alleged seized vehicle and he came to implicated based on confessional statement of Vishal Sharma in police custody, which does not have any evidentiary value.
5. The learned APP for the State opposes the



anticipatory bail application.

6. 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. 5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.II, Siwan in connection with Siwan Excise P.S. Case No.799 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. 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 one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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