

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28906 of 2024

Arising Out of PS. Case No.-997 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Pawan Yadav @ Lalan Yadav @ Gagan Yadav S/o Balmiki Yadav R/o vill -
Purani Bazar, P.s. - Lakhisarai, Distt. - Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shaukat Alam, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 16-04-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and allegation is of
recovery of 5 liters of liquor from a field near the road.
4. Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing
was recovered from his conscious possession and after the
amendment in the Excise Act in the year 2018, the concept of
deemed possession and presumed offender has been done away
with. It is also submitted that no doubt the filed from where the



alleged recovery is made belongs to the petitioner but then no prudent person would use his own field for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is further submitted that someone inimical to the petitioner planted the meagre amount of liquor in his field for implicating him and his family. It is next submitted that he came to be implicated based on secret information which is the easiest way to implicate someone.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Lakhisarai P.S. Case No. 997 of 2023 subject to the conditions as 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 antecedents of the petitioner and in the event if it is found that the petitioner has antecedent of more than two cases, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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