

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33461 of 2024

Arising Out of PS. Case No.-679 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Abhishek Yadav @ Abhishek Kumar Yadav SON OF Late Bhim Yadav @
Bhimkeshari Yadav R/o VILLAGE - HATHAUJI, P.S. - NAUTAN,
DISTRICT - SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-05-2024 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 offences punishable under Sections 414, 353
and 427 of the Indian Penal Code as well as Sections 30(a),
32(ii)(iii), 41(i)(ii) and 45 of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases.

4. Allegation is of recovery of 1933.2 litres of liquor
from two Bolero vehicles.

5. 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 neither the



owner nor the driver of the seized vehicle. It is further submitted that petitioner came to be implicated based on the confessional statement of Shashi Kumar in police custody which does not have any evidentiary value in the eye of law. It is next submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner through Shashi Kumar taking advantage of the antecedent of the petitioner.

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

7. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Siwan Mufassil P.S. Case No. 679 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has



antecedent of more than four cases in that event the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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