

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34718 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- Excise P.S. District- Siwan

Prabhu Dayal Singh Son of Nand Jee Singh Resident of Village -
Maidaniya,P.S. - Mairwa, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.
For the Opposite Party/s : Ms.Gulnar Begum, APP

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

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner apprehends his arrest in

connection with Siwan Excise Case No. 53 of 2024

registered for the offences punishable under Section 30(a)

of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, the police has

recovered total 720 liter illegal country-made liquor from two

vehicles.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

the present case due to ulterior motive. He further submits



that nothing incriminating has been recovered from the physical/conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Kumar Gaurav @ Sujit Kumar Yadav and Rohit Kumar Gaur have been granted regular bail by this Court vide order dated 05.04.2024 passed in Cr. Misc. No. 26071 of 2024.

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.10,000/- (Rupees Ten 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 Excise Case No. 53 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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