

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41478 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- DAWATH District- Rohtas

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KRISHNA YADAV @ KRISHNA SINGH SON OF BAIJNATH YADAV
R/O- VILLAGE- PADARIYA, P.S.- NAWANAGAR, DISTT.- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Kant, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-07-2024

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Dawath P.S. Case No. 33/ 2024 dated 02.02.2024 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition & Excise Act.

3. Mr. Shashi Kant, learned counsel for the petitioner submits that petitioner has got no criminal antecedent and the instant matter relates to the recovery of 129.175 litres of foreign liquor which is said to have been recovered from a tempo which was found parked in a garage and admittedly, the petitioner was not seen or found at the place of recovery. Further it is submitted that the petitioner is neither the owner nor the driver of the alleged tempo and he has no connection with the garage from where the alleged liquor as well as the vehicle were recovered. Hence, the alleged offence of Excise Act does not



even *prima facie* attract against this petitioner.

4. Mr. Parmanand Prasad, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions, particularly, petitioner's plea as to his no connection with the seized vehicle (tempo) either in the capacity of driver or as the owner and admittedly, the petitioner was not found or seen near the place of recovery and he has taken the plea that he has no concern to the alleged garage and the F.I.R. goes to show that the petitioner has been made accused mainly on the basis of information given by a spy, therefore, these materials are sufficient to entitle the petitioner to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Dawath P.S. Case No. 33/ 2024 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

BKS/-

(Shailendra Singh, J)

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