

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55117 of 2024

Arising Out of PS. Case No.-289 Year-2024 Thana- BARACHATTI District- Gaya

Shambhu Yadav @ Sambhu Yadav Son of Late Sheonandan Yadav Resident
of Vill- Neema Dohra, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvan Kumar, Adv.
For the Opposite Party/s : Mr. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Barachhati P.S. Case No. 289 of 2024 registered on 13.06.2024 for the alleged offences under Section 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

03. As per prosecution case, recovery of 67.5 litres of India made foreign liquor was made from the backseats of the bus. The driver disclosed the name of the petitioner for whom he used to transport the liquor.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the seized liquor or the bus or



the driver. The petitioner is not even the owner of the bus. The petitioner has no knowledge about the alleged recovery. As no recovery has been made from the petitioner and there is no material to connect the petitioner with the offences as alleged, there could be no application of the provisions of the Excise Act against the petitioner. The petitioner is having no criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of substantive material to connect the petitioner with the offences as alleged and further considering the background of the fact that no recovery has been shown from the petitioner and his clean antecedent, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Exclusive Special Excise Court No.-V, Gaya in connection with Barachhati P.S. Case No. 289 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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