

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58156 of 2024**

Arising Out of PS. Case No.-491 Year-2024 Thana- Excise P.S. District- Darbhanga

PAWAN YADAV S/O Ram Jatan Yadav R/O Village- Dhoi Ghat, P.S- Sadar,
Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 14-08-2024 1. Heard learned counsel for the petitioner as well as learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act in connection with Excise Prohibition (Sadar) P.S. Case No.491 of 2024.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of seven cases and allegation is of recovery of 3767.685 liters of liquor from three vehicles as detailed in the FIR.
4. It is next submitted that petitioner was not arrested



from the spot as such nothing was recovered from his conscious possession and is not the owner of any of the seized vehicle and he came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that once a person is implicated in a case relating to excise, in that event the police starts implicating mechanically without holding proper investigation and at times in order to save the real culprits.

5. The learned APP for the State opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.35,000 /- (Rupees Thirty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-I (Excise Act), Darbhanga in connection with Excise Prohibition (Sadar) P.S. Case No.491 of 2024, subject to the conditions 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 antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than seven cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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