

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72346 of 2024

Arising Out of PS. Case No.-243 Year-2024 Thana- PALASI District- Araria

Rahul Yadav @ Rahul Kumar Yadav Son of Shyam Lal Yadav R/O-Village-
Pothiya, Ward No. 5, ,P.S-Palasi ,District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Ms. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-10-2024 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 30(a), 32(2),
32(3), 36, 41(1) and 41(2) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and allegation is of
recovery of 531 liters of liquor from a car.
4. 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 not the owner of
the seized vehicle and came to be implicated at the instance of
local people but then the name of the person who disclosed the
name of the petitioner is not disclosed in the FIR which casts an
aspersion on the case of the prosecution. It is also submitted that
once an accused is implicated in a case relating to excise, the



police starts implicating mechanically and at times to save the real culprits.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Palasi P.S. Case No. 243 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, 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 three cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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