

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17354 of 2025

Arising Out of PS. Case No.-219 Year-2023 Thana- Excise P.S. District- Siwan

Balavant Singh, Son of Shesh Nath Singh, Resident of Village- Basopatti,
P.S.- Bankata, District- Deoria (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Shailendra Kumar Dwivedi, Advocate Ms. Rachna Rani, Advocate.
For the State	:	Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Siwan Excise P.S. Case No. 219 of 2023 dated 03.03.2023, registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, 152.640 litres illicit foreign liquor has been recovered from a pick-up van bearing registration No. BR-07GA-7129. The driver of the vehicle was arrested along with the seizure of the illicit liquor and as per the confessional statement of the driver, the illicit liquor was being transported on the direction of the petitioner and other co-accused to be



delivered to co-accused Guddu Chaudhary.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has nothing to do with the seized foreign liquor. He also submits that neither the pick-up van nor the liquor belongs to the petitioner and no *prima facie* case is made out against him.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in three other cases, out of which, in two he is on bail.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



concerned court below in connection with Siwan Excise P.S.
Case No. 219 of 2023, subject to the conditions as laid down
under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court
below that the petitioner has criminal antecedents other than the
disclosed one, learned court below shall cancel the bail bonds of
the petitioner after hearing him and getting satisfied that the
petitioner has concealed his criminal antecedents despite his
knowledge of the same.

(ii) In case, it is brought to the notice of the court
below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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