

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16242 of 2021**

Arising Out of PS. Case No.-115 Year-2019 Thana- TERHAGACHH District- Kishanganj

Dilip Kumar Yadav @ Dilip Yadav Son of Late Ghotai Yadav @ Dhokai  
Yadav @ Gajanand Yadav Resident of Sakin Bakeniya, P.S.- Palasi, District-  
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. A.G

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      08-12-2021                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

Learned counsel for the petitioner is expected  
to honour his undertaking given in the instant case for  
depositing the requisite court fee and to remove the  
defects as pointed out by the office when called upon to  
do so by the office.

The petitioner is apprehending his arrest in a  
case registered for the offences punishable under  
Sections 30(a) of the Bihar Prohibition & Excise Act.

The prosecution case as per F.I.R is that two



persons were apprehended and from their motorcycles 12.90 litres and 17.10 litres of Nepali liquor were seized. The apprehended accused persons named the petitioner.

It is submitted by learned counsel for the petitioner that the alleged motorcycles do not belong to the petitioner. The petitioner was not apprehended at the spot and only on the basis of confession of the co-accused persons, the petitioner has been roped in the present case. It is further submitted that co-accused Binod Kumar Yadav @ Binod Yadav has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 13.12.2019 passed in Cr. Misc. No. 82887 of 2019. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge(Excise), Kishanganj in connection with Special Case No. 255 of 2019, arising out of Tehragachhi P.S. Case No. 115 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Sunil Kumar Panwar, J)**

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