

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63396 of 2023**

Arising Out of PS. Case No.-339 Year-2021 Thana- TEKARI District- Gaya

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LAV KUMAR Son of Chhotan Yadav R/o vill - Piprahi, P.S. - Goh, Distt. -
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Tekari (Panchanpur O.P) P.S. Case No. 339 of 2021 dated
15.07.2021, instituted for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Amendment Act,
2018.

3. The allegation is of recovery of 25 litres and 30
litres country made *Mahua* liquor from each of the seized
motorcycle bearing Reg. No. BR02AU-4518 and Reg. No.
BR02R-4652 respectively.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that petitioner is not named in the
F.I.R. Learned counsel for the petitioner submits that motorcycle



bearing Reg. No. BR26D-9909 was stolen two months ago and since the vehicle was too old, the petitioner had not made any complaint in the police. The said vehicle has been used for carrying the aforesaid illicit liquor. It is submitted that from impugned order it appears that the said recovery was made from the stolen motorcycle bearing Reg. No. BR26D9909 which stands in the name of the petitioner. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Tekari (Panchanpur O.P) P.S. Case No. 339 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise, Court No. 2, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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