

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33052 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- HATHUA District- Gopalganj

Sunil Yadav @ Sunil Kumar Yadav Son of Swaminath Chaudhary @
Swaminath Yadav Resident of Village- Bigahi Jagdish, P.O.- Hatuwa, P.S.-
Mirganj, District- Gopalganj, Bihar-841436

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish
For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 227-05-2024
1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Hathua Police Station Case No. 18 of 2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

3. As per the prosecution case, on 12.02.2024, the police received a secret information, that petitioner is arriving to Hathua from U.P. on motorcycle with bag containing liquor and intercepted the petitioner but he succeeded in fleeing away after leaving the motorcycle and the bag. Upon search, police recovered 26 liters of country-made liquor from the bag tied on the motorcycle bearing Reg.



No. BR28E8887.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of his previous antecedents in which bike of the petitioner was recovered in Hathua P.S. Case No. 111 of 2020 for offences registered under Section 30(a) of the Bihar Prohibition Excise Amendment Act, 2018. Thereafter, the petitioner was named in other case. The petitioner's mother made a complaint before the senior officers of the Hathua police station on 28.11.2022 for torture and extortion meted out to the petitioner. He further submits that the petitioner is not concerned with the seized liquor as well as the motorcycle. He is not the owner of the motorcycle.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner is not the owner of the motorcycle and no recovery has been made from the conscious possession of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest



or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned II Additional District Sessions Judge -cum- Special Judge, Excise, Gopalganj, in connection with Hathua Police Station Case No. 18 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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