

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34912 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- AAYAR District- Bhojpur

Guddu Kumar Yadav @ Guddu Yadav @ Manjit Yadav Son of Khelu Yadav
R/O Vill.- Dalitpur, P.S.- Dhangain, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malti Kumari

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-05-2024 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

1. This application, for grant of anticipatory bail, in connection with Excise Case No. 4786 of 2023 arising out of Aayar Police Station Case No. 105 of 2023, dated 22.07.2023, disclosing offences under Section 30(a) of Bihar Prohibition and Excise Act.
2. The prosecution case, as per the First Information Report, is that on 22.07.2023, while the police party was on patrolling duty, they received information that two persons on motorcycle were coming from Garhani carrying the illicit liquor. On that information the police party reached near Baligaon Bagla and saw two persons who were coming on white motorcycle and the police



party intercepted them. Upon seeing the police party, accused persons started fleeing away however, one person namely Sushil Kumar was apprehended and another person succeeded in fleeing away. On interrogation apprehended person disclosed the name of the petitioner who succeeded in fleeing away. Upon search, the police recovered 50 litres of mahua liquor from the TVS Apache motorcycle.

3. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case on the basis of confessional statement made by the co-accused person before the police. He further submits that the petitioner is having no criminal antecedent. He next submits that the petitioner is not the owner of the motorcycle in question from where illicit liquor has been recovered and no liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner.
4. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having no criminal antecedent, he is not the owner of the motorcycle in question and no illicit liquor



has been recovered from the conscious possession and/or vehicle belonging to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

- 5. This application is, accordingly, allowed.
- 6. 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Bhojpur, Ara, in connection with Excise Case No. 4786 of 2023 arising out of Aayar P.S. Case No. 105 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

