

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61798 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- Excise P.S. District- Siwan

Abhinash Yadav @ Bablu Yadav, Son of Pershuram Yadav, Resident of village- Bhagar, Ward No. 9, PS- Siwan, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Raghunathpur Excise P.S. Case No. 62/2024 dated 10.05.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 238.320 litres of illicit foreign and country made liquor was recovered from two motorcycles which were driven by the co-accused Mukesh Yadav @ Mukesh Kumar Yadav and Ravindra Prasad @ Ravindra Yadav.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has surfaced in the present case on the basis of disclosure made by the co-accused Mukesh Kumar. The petitioner is the owner of one of the motorcycles bearing Chassis No. ME4JC734BHT-005068. The said motorcycle was given by the petitioner to the co-accused Mukesh Yadav who is his nephew for his personal use. He had no knowledge about the alleged offence. The other co-accused persons Mukesh Yadav @ Mukesh Kumar Yadav and Ravindra Prasad @ Ravindra Yadav have already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 53000 of 2024 under order dated 24.07.2024, annexed as Annexure-P/2 to the present bail petition. The petitioner has three criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand)



with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. II, Siwan, in connection with Raghunathpur P.S. Case No. 62 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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