

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74325 of 2024

Arising Out of PS. Case No.-1307 Year-2024 Thana- Excise P.S. District- East Champaran

Gajendra Kumar Yadav S/o Wakil Rai R/o Village- Mathiya Bariyarpur, P.S.-
Piprakothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-11-2024 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 Excise Police Station Case No. 1307 of 2024,
disclosing offences under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016 (Amendment).

3. As per the FIR, informant received secret
information on 08.08.2024 that liquor was being distributed
from two vehicles in the area near Tedhi Ghat under the
Piprakothi Police Station. When the police party reached there,
they noticed that three persons were running towards the river in
two vehicles behind the bushes adjacent to the river. On getting
suspicious, the police party rushed near the vehicles and found
two silver colour cars in which one was Wagon R whose



registration number was BR-01BD-6352 and second was Eco Car whose registration number was BR-06AB-9214, parked there. The police party looked out for the persons who were running away in the car but they managed to escape taking advantage of the dense bushes. It is further alleged that on the search of Wagon R car bearing registration no. BR-01BD-6352, total 7.380 liters country made foreign liquor was recovered from secret Vault made in the car and on the search of Eco car bearing registration no. BR-06AB-9214, total 13.320 liters country made foreign liquor was recovered from a secret Vault made in the car.

4. Learned Counsel for the petitioner submits that petitioner has not committed any offence as alleged and no incriminating article has been recovered from the conscious possession of the petitioner. He next submits that no independent witness has signed in the seizure list and there is no compliance of Section 100 of Cr.P.C. Petitioner is owner of one of the vehicle i.e., Wagon-R and he has no concern with the other vehicle. He next submits that the car was being plied by the driver for hiring and the petitioner was not aware about the illicit liquor kept in the car.

5. Having regard to the submissions made on behalf



of the parties and taking into consideration the fact that driver was driving petitioner’s vehicle and might have kept illicit liquor of which the petitioner was not aware, 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 Exclusive Special Excise Court No. 2, East Champaran, Motihari, in connection with Excise Police Station Case No. 1307 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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