

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77744 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- NAUTAN District- Siwan

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Bikesh Kumar Yadav @ Vikash Kumar Yadav S/O Brij Kishor Yadav
Resident of Village- Thepahan Uttar Tola, P.S.- Ziradei, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-11-2024 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 Nautan Police Station Case No. 136 of 2024,
disclosing offences under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. As per the FIR, on 21.06.2024, at around 1:30
pm, informant got secret information that a person is going
towards Tilmapur with liquor on a motorcycle. Upon this
information, the informant along with the police party reached
near Tilmapur school at about 2:10 pm and started checking
vehicles. At that time, they saw that a person riding a
motorcycle with a green sack, tied on the rear seat, was coming
very fast from Shahpur. They tried to stop him, but the said



person tried to escape by turning the vehicle and succeeded in escaping leaving the motorcycle, bearing Reg. No. BR29BB-3643, and the sack behind. On search, a total quantity of 36 litres of country liquor was recovered.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case in a mechanical manner by the police. He next submits that petitioner is not named in the FIR. No incriminating material has been recovered from the conscious possession of the petitioner. He next submits that petitioner is the registered owner of the seized motorcycle and due to this reason, the name of the petitioner has surfaced in this case. He further submits that petitioner's relative was driving his motorcycle which he had given to him in good faith for medical emergency.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner has been implicated on the basis of his being the registered owner of the seized motorcycle which he had given to his distant relative for medical emergency, 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. II, Siwan, in connection with Nautan Police Station Case No. 136 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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