

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76654 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- ASANWA District- Siwan

=====

Rishi Yadav @ Rishi Kumar Yadav S/o Lorik Yadav Resident of Village -
Naraynpur, P.S. - Aandar, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-11-2024 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 Asawn Police Station Case No. 93 of 2024, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, on 30.08.2024, at 01:05 AM, informant along with other Excise Officials, received a secret information that some persons are indulged in loading the liquor at Bhinda situated at Maniya Naya Pokhar. When informant along with police team reached at the place of occurrence, they saw 3-4 persons were standing there and seeing



the police, they succeeded to flee away taken advantage of darkness. It is further alleged that one person has been identified as Rishi Yadav (petitioner). On search, the Police recovered 279 litres of country made liquor.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to ulterior motive. He further submits that nothing has been recovered from the possession of the petitioner and/or from the house/vehicle of the petitioner. He next submits that altogether 279 liters liquors recovered from the Scorpio and Motorcycle which were standing in an open place. He further submits petitioner is neither the owner nor the driver of the seized Scorpio or Motorcycle.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that nothing has been recovered from the possession of the petitioner and/or from the house/vehicle of the petitioner and the petitioner is neither the owner nor the driver of the seized car and motorcycle, 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 Judge, Court No.1, Siwan, in connection with Asawn Police Station Case No. 93 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

Siwani/-

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

