

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 77850 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- NAUTAN District- West Champaran

Ankesh Yadav @ Anjesh Yadav Son of Chhotelal Yadav Resident of Village-
Mangalpur Gudariya, Police station -Nautan, District -West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This application, for grant of anticipatory bail, arises out of Nautan P.S. Case No. 163 of 2024, dated 01.05.2024, disclosing offences under Section 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, as per the First Information Report, is that on 30.04.2024, the police personnel on patrolling duty got the information that two persons riding motorcycle was carrying illicit liquor. When the police party intercepted the motorcycle, both the persons fled away leaving the motorcycle on the spot. The *Choukidar* identified the persons as petitioner Ankesh Yadav and other. The total quantity of 12.960 litres of foreign liquor was recovered from the said motorcycle.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of identification by the local *Choukidar*. Referring to para 7 of the bail application, learned counsel submits that the motorcycle is not owned by the petitioner and the petitioner is having no criminal antecedent. The illicit liquor has not been recovered from the conscious possession of the petitioner and/or the vehicle belonging to him.

5. Having regard to the submissions made on behalf of the parties, taking into consideration the fact that the petitioner is having no criminal antecedent, he is not the owner of the motorcycle and the illicit liquor has not been recovered from his conscious possession and/or the vehicle belonging to him, 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 Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Bettiah, District-West Champaran, in connection with Nautan



P.S. Case No. 163 of 2024, subject to the condition laid down
under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J.)

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