

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80411 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Narhiya District- Madhubani

Dinesh Yadav @ Dinesh Kumar Yadav S/O Wakil Yadav @ Wakil Yadav R/O
Village- Chhatapur, Ward No.-10, P.S- Andhramath, Distt.- Madhubani.
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Jitendra Kumar Bharti
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 209-12-2024
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 Narahiya Police Station Case No. 10 of 2024, dated 29.03.2024, disclosing offence under Sections 272/273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, as per the First Information Report, is that the police, on secret information that on a motorcycle, two persons were riding and they are carrying illicit liquor, intercepted one motorcycle, and apprehended two persons. The police seized the motorcycle and recovered 26.28 litres of illicit Nepali liquor from four bags kept in the motorcycle.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has got no criminal antecedent and he has been made accused in this case merely because he happens to be the registered owner of the motorcycle, in question. He further submits that the brother-in-law of the petitioner, namely, Pramod Kumar, had borrowed the motorcycle of the petitioner for treatment of his mother and the petitioner was no knowledge that illicit liquor was being transported on his motorcycle.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner is not named in the First Information Report, he has got no criminal antecedent and he has been made accused in this case merely because he happens to be the registered owner of the seized 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 a period of four weeks from today, 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 Special Judge, Excise Act, Jhanjharpur, Madhubani, in connection with Narahiya Police Station Case No. 10 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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