

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.82722 of 2024

Arising Out of PS. Case No.-311 Year-2024 Thana- NARHATT District- Nawada

Mukesh Chauhan S/O Sukhadev Chauhan @ Sukhdev Chauhan @ Sukhdev Prasad @ Sukhadev Prasad Resident Of Village- Punaul, P.S- Narhat, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
CRIMINAL MISCELLANEOUS No. 83711 of 2024

Arising Out of PS. Case No.-311 Year-2024 Thana- NARHATT District- Nawada

Kailu Yadav @ Nand Kishor Kumar S/O Ramphal Yadav Owner of Mobile No.- 7488402021 , Resident Of Village- Kharahari, P.S- Muffasil,Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :  
(In CRIMINAL MISCELLANEOUS No. 82722 of 2024)  
For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra  
For the Opposite Party/s : Mr.Ram Sevak Choudhary  
(In CRIMINAL MISCELLANEOUS No. 83711 of 2024)  
For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra  
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
ORAL ORDER

- 217-12-2024
1. Since both these anticipatory bail applications arise out of Narhat Police Station Case No. 311 of 2024, with the consent of the parties, both these anticipatory bail applications are heard together.

2. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.



3. These applications, for grant of anticipatory bail, arise out of Narhat Police Station Case No. 311 of 2024, dated 06.09.2024, disclosing offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
4. The prosecution case, as per the First Information Report, is that the police got secret information that one tempo was coming, loaded with illicit liquor, which was being escorted by one Apache motorcycle. Upon this information, the police started the vehicle checking and saw that two persons, on a motorcycle, were coming and behind them, one tempo was also there and upon seeing the police, the persons sitting on the motorcycles tried to flee away, but were apprehended by the police, who disclosed their names as Chandan Kumar and Ravish Kumar. The police also apprehended four persons from the tempo, who disclosed their names as Neeraj Kumar (driver), Chanirak Chauhan, Vikash Kumar and Anupam Kumari and the arrested co-accused person, namely, Chanirak Chauhan disclosed that they purchased the illicit liquor from petitioner Kailu Yadav and were going to deliver the same to petitioner Mukesh Chauhan. On search of the tempo, the police recovered 164 litres of



illicit country-made liquor.

5. Learned Counsel for the petitioners submits that the petitioners are innocent and they have been made accused in this case on the basis of disclosure of their names by the arrested co-accused person. He further submits that the petitioners have no concern with the illicit liquor and they are not the driver/owner of the Apache motorcycle and the tempo.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner is neither the owner nor the driver of the Tempo, from where illicit liquor has been recovered and was not present at the place of occurrence at the time of recovery of the illicit liquor, I am inclined to grant the petitioners privilege of anticipatory bail.
7. These applications are, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court



No. 1, Nawada, in connection with Narhat Police Station  
Case No. 311 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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