

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2471 of 2025

Arising Out of PS. Case No.-170 Year-2021 Thana- ASANWA District- Siwan

Upendra Yadav @ Upendra Kumar S/O Shyam Narayan Yadav Resident of
village- Madheshilapur (Madeshilapur), P.S- Andar, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-02-2025 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 Asaon Police Station Case No. 170 of 2021, dated
16.11.2021, disclosing offence under Sections
272/273/308 of the Indian Penal Code and Sections
30(a)/41(i) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report,
is that on 16.12.2021, the police got secret information
that two persons were coming from Mairwa to Tiyan on a
motorcycle, started vehicle check and saw one
motorcycle was coming upon which two persons were
sitting. Upon seeing the police, they tried to flee away
but the police apprehended the pillion rider along with a



bag containing illicit liquor; while the person who was driving the motorcycle succeeded in fleeing away along with the motorcycle. The police recovered 8.64 litres of illicit foreign liquor.

4. Learned Counsel for the petitioner submits that the petitioner is having no criminal antecedent and he has been made accused in this case on the basis of disclosure of his name by the arrested co-accused person. From perusal of the First Information Report and the seizure list, it appears that registration number of the motorcycle in question has not been mentioned in the First Information Report and/or seizure list.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and/or vehicle belonging to the petitioner, he is not having any criminal antecedent and his name transpired in this case by the arrested co-accused person, 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. I, Siwan, in connection with Asaon Police Station Case No. 170 of 2021, 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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