

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6803 of 2025

Arising Out of PS. Case No.-784 Year-2024 Thana- Excise P.S. District- Siwan

1. Shushil Yadav @ Bhim Kumar Yadav S/O Bhagat Yadav Resident Of Village - Lakshmipur, Ward No 42, P.S- Siwan Town, Dist.- Siwan
2. Ranjit Kumar Yadav @ Ranjit Kumar S/O Nanji Yadav Resident Of Village - Lakshmipur, Ward No 42, P.S- Siwan Town, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-03-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Siwan Excise Police Station Case No. 784 of 2024, disclosing offences under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on 5.12.2024, the police got the secret information that the petitioners were going to unload illicit liquor near Chhapia Orchard. On such information, the police party, at about 12:20 am, proceeded towards the place of occurrence as disclosed by the informer. At about 1:40 am, one white-colored Scorpio arrived, which was



signaled to stop, but upon seeing the police party, the accused persons speeded up the Scorpio vehicle which was stuck in a nearby ditch and the driver fled away after leaving the vehicle on the spot. The police recovered 761.76 liters of liquor from the Scorpio vehicle.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case on the basis of secret information. The Scorpio vehicle from where the illicit liquor has been recovered does not belong to the petitioners. The illicit liquor has not been recovered from the conscious possession and/or vehicle belonging to the petitioners. Petitioners are neither the owner nor the driver of the vehicle.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the illicit liquor has not been recovered from the conscious possession and/or vehicle belonging to the petitioners, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their 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 Judge-II, Siwan, in connection with Siwan Excise Police Station Case No. 784 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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