

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.5154 of 2025

Arising Out of PS. Case No.-181 Year-2023 Thana- KASMA District- Aurangabad

Dharmendra Kumar Chaudhary @ Dharmendra Kumar Chaudhry S/o-
Laxman Chaudhary @ Lakshman Chaudhari Vill- Parasdih, Post - Pirwan,
PS- Salaiya, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey
For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-03-2025 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 Kasma Police Station Case No. 181 of 2023, dated 24.10.2023, disclosing offence under 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 got a secret information that one person was carrying liquor on a motorcycle. On having received this information, the police started vehicle check and as a person coming on a motorcycle, who upon seeing the police, started fleeing away, leaving the motorcycle and



succeeded in the same. On search, the police recovered 25 litres of illicit country-made liquor from the motorcycle.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused in this case on the basis of the fact that the petitioner is the registered owner of the motorcycle, in question, on the basis of transfer agreement executed between the petitioner and its owner, namely, Sanket Yadav, dated 16.07.2022. He further submits that the petitioner is not the registered owner of the motorcycle in question as well as Sanket Yadav, who has allegedly transferred the motorcycle in question in favour of the petitioner by the agreement for sale. As per Annexure P/3, some other person is the registered owner of the motorcycle in question.
5. Learned Additional Public Prosecutor for the State submits that the petitioner, after seeing the police, fled away, leaving the motorcycle on the spot, from where illicit liquor was recovered.
6. Regards being had to the submission advanced by the parties concerned and taking into consideration prima facie fact that neither the petitioner nor Sanket Yadav is registered owner of motorcycle in question, between



whom an agreement for sale was executed for the motorcycle in question, I am inclined to grant the petitioner privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. 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 Chief Judicial Magistrate, Aurangabad, in connection with Kasma Police Station Case No. 181 of 2023, 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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