

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7453 of 2025

Arising Out of PS. Case No.-211 Year-2024 Thana- Excise P.S. District- Madhepura

Phul Kumar S/O Sikendra Yadav @ Sikendar Yadav R/O Jogbani ward no-14
PS-Gamharia, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 224-03-2025
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 Madhepura Excise Police Station Case No. 211 of 2024, dated 14.12.2024, 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, on secret information that the co-accused Pintu Kumar is going to deliver illicit liquor near Bhelwa petrol pump in Gamhariya, reached the place of occurrence and saw two persons coming on a motorcycle carrying one bag each and on seeing the police, they tried to flee away, but the police apprehended the driver of the motorcycle, i.e. co-accused Pintu Kumar, while the



pillion rider succeeded in fleeing away. On search, the police recovered 03 litres of illicit liquor from the bag carried by the co-accused Pintu Kumar.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the disclosure of his name by the arrested co-accused person. He further submits that the petitioner has got no concern with either the illicit liquor recovered or the vehicle in question as he is not the owner of the said 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 the owner of the seized motorcycle and his name transpired in this case on the basis of disclosure made 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. II, Madhepura, in connection
with Madhepura Police Station Case No. 211 of 2024,
subject to the condition laid down under Section 482 (2)
of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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