

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7436 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- MIRGANJ District- Gopalganj

Vikash Yadav Son of Vijay Yadav @ Vijay Kumar R/o- Kawalhata, P.S.-
Mirganj, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepankar Raj

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-03-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Mirganj P.S. Case No. 092 of 2024 dated 12.03.2024
registered under Section 414 of the I.P.C. & Section 30(a) of the
Bihar Prohibition and Excise Amendment Act 2022.

3. As per the prosecution story on 12.03.2024 the police party
saw that one person was coming on a motorcycle having plastic
gunny bag. The police signalled the motorcyclist to stop and
upon seeing the police party the motorcycle rider jumped from
the motorcycle, started fleeing away and succeeded in the same.
Upon search, 06.480 liters of foreign liquor was recovered. It
has further been alleged that when the informant was returning
and reached near Sihorwa cross road he saw that another
motorcycle was coming speedily and on seeing the police party



the motorcyclist started fleeing away. The driver of the said motorcycle was arrested by the police but the pillion rider managed to escape. Upon search, police recovered 25.560 liters of foreign liquor from the motorcycle in question. The arrested person disclosed the name of the person who fled away as Raj Kumar and the name of the petitioner has been disclosed as liner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of disclosure of his name as liner. The petitioner was not seen at the place of occurrence and as per the F.I.R. the motorcycle which was intercepted by the police, the driver tried to flee away however he was arrested but the pillion rider succeeded in fleeing away whose name has been disclosed by the arrested accused person as Raj Kumar and not the petitioner.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner is not the owner or driver or pillion rider of the motorcycle and his name has been disclosed by the arrested co-accused accordingly I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge IV-cum-Exclusive Special Excise Court No.-II, Gopalganj in connection with Mirganj P.S. Case No. 092 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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