

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11866 of 2025

Arising Out of PS. Case No.-104 Year-2024 Thana- ANDHRAMATH District- Madhubani

Binesh Yadav Son of Shivnarayan Yadav @ Shiv Narayan Yadav Village-
Jiroga, P.S.- Andhramath, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named with the

present case being owner of the motorcycle bearing reg no.

BR 32 Q 2251, which was found carrying illicit liquor and

therefore, apprehended his arrest in connection with

Andhramath P.S. Case No. 104 of 2024, registered for the

offences punishable under Sections 272 and 273 of the IPC

and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be

engage in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 45 litres of IMFL/country made liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that out of family relations/acquaintance, petitioner provided his motorcycle to his cousin brother, who misused it for carrying illicit liquor. It is submitted that petitioner was not under knowledge that his motorcycle was misused for carrying liquor and, therefore, it cannot be said that recovery was made from the conscious physical possession of this petitioner. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact as prima-facie recovery of illicit liquor appears doubtful from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur, Madhubani/concerned Trial Court where the case is pending in connection with Andhramath P.S. Case No. 104 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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