

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17364 of 2025

Arising Out of PS. Case No.-190 Year-2021 Thana- SABAUR District- Bhagalpur

Saheb Yadav, S/o- Vindeshwari Yadav, R/o Vill.- Chharapatti, P.S.- Parvatta,
Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-04-2025 Heard Mr. Rajive Ranjan Singh, learned counsel
for the petitioner and Mr. Parmanand Prasad, learned APP for
the State.

2. The petitioner apprehends his arrest in connection
with Sabour (Goradih) P.S. Case No. 190 of 2021 dated
23.07.2021 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the petitioner has fair and clean antecedent and
has not remained involved in an offence under the Bihar
Prohibition and Excise Act and as per the prosecution's
allegation, two co-accused persons namely, Om Prakash @
Hariom and Prabhu Kumar were apprehended with the alleged
liquor and one co-accused riding with the apprehended co-



accused persons on the alleged motorcycles, managed to escape whose name was revealed by the apprehended co-accused persons but they did not reveal the petitioner's name as being involved in taking the alleged seized liquor, so, the alleged offence under the Excise Act does not attract even *prima facie* against the petitioner, and his prayer is not hit by the provision of Section 76(2) of the Bihar Prohibition and Excise Act. It is further submitted that during investigation, as per the police, it came into light that one alleged motorcycle had been purchased by this petitioner but the ownership of the motorcycle was neither transferred to the petitioner nor the possession of the said motorcycle was ever handed over by the registered owner of the said motorcycle, so, the said ground is not sufficient to implicate the petitioner in the alleged recovery of liquor.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the aforesaid submissions advanced by petitioner's counsel, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.



20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Sabour (Goradih) P.S. Case No. 190 of 2021, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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