

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16437 of 2025

Arising Out of PS. Case No.-534 Year-2024 Thana- Excise P.S. District- Sheikhpura

BIPIN KUMAR Son of Pramod Yadav @ Parmod Yadav Resident of village -
Pathalafar, Ward No.- 24, Police Station and District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 16-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, 2016

3. As per the prosecution case, there is a recovery of 20.5 litres of country made liquor from a motorcycle.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired in this case on account of the fact that the seized motorcycle is registered in the name of the petitioner. As a matter of fact, the petitioner had given the motorcycle to a co-villager for getting medicines for his father



and he had no knowledge that the said vehicle was put to such illegal use. There is no independent witness to the seizure list, thereby violating the mandatory provisions of search and seizure. No recovery has been made from the physical and conscious possession of the petitioner.

5. Learned APP for the State opposes the prayer for anticipatory bail application on the ground that there is one criminal antecedent of the same nature, in response to which learned counsel for the petitioner submits that he is on bail in all the said cases.

6. Considering the above facts and circumstances, 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 Judge, Sheikhpura, in connection with Excise P.S. Case No.534 of 2024 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.



(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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