

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17994 of 2025

Arising Out of PS. Case No.-879 Year-2024 Thana- DANAPUR District- Patna

Shankar Kumar Yadav S/o- Manoj Ray Resident of Village- Haripur Colony
Dighaghat PS- Digha, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate
For the State : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-04-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Danapur P.S. Case No. 879 of 2024 dated 12.09.2024, registered for the offences punishable under Sections 30(a), 41 of the Bihar Prohibition and Excise Act, 2022.

3. As per the allegation, 45.9 litre of illicit liquor has been recovered from a scooty bearing Registration No. BR01EU-8784 and the owner and driver of the said vehicle has been shown as accused, not by specific name, but their designation.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that police is coming to arrest the petitioner saying that he is owner, whereas he is not owner of the said vehicle, because owner of the said vehicle is Mr. Azharuddin as per the Registration Certificate of the said vehicle.

5. On the basis of the material available, no case is made out against the Petitioner under Excise Act and the Petitioner is entitled to get anticipatory bail.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of Ld. Court of Special Excise Judge, Danapur in connection with Danapur P.S. Case No. 879 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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