

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25139 of 2025

Arising Out of PS. Case No.-851 Year-2023 Thana- Excise P.S. District- Siwan

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Bittu Kumar Yadav S/o Baldev Yadav @ Baldev Chaudhari Resident Of
Village- Jiyan, Ward No3, Ps- Siwan Muffasil, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-04-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner apprehends arrest in connection with

Siwan Excise P.S. Case No. 851 of 2023, registered under

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

3. The prosecution case, in short, is that, 643.680

liters liquor was recovered from Scorpio car.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

present case. No incriminating material has been recovered from

the conscious possession of the petitioner. The petitioner has got

no concern with the alleged recovery of liquor. Learned counsel

for the petitioner also submits that the petitioner is neither

owner nor driver of the car in question. The petitioner was not

present at the place of occurrence. Name of the petitioner has



transpired in this case on the basis of confessional statement made by co-accused, namely, Shardanand Singh and the same has got no evidentiary value. The petitioner has got two criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 15.02.2024 passed in Cr. Misc. No. 8023 of 2024. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Siwan Excise P.S. Case No. 851 of 2023 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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