

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22912 of 2025

Arising Out of PS. Case No.-621 Year-2023 Thana- DHAKA District- East Champaran

Arjun Yadav S/o Munna Ray R/o Vill- Basantpur, P.S.- Kundwa, Chainpur,
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 30-04-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Dhaka P.S. Case No. 621/2023 registered on 18.11.2023 for the offences punishable under Sections 414/34 of the Indian Penal Code and Sections 30(a), 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, the present case pertains to recovery of 180 liters of illicit Nepali liquor, which was being transported on a motorcycle. It is alleged that the petitioner is the owner of the said motorcycle from which the recovery was made.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. It is contended that no recovery has been made from the conscious physical possession of the petitioner. The petitioner's name has surfaced in the case solely on the ground that he is alleged to be the owner of the motorcycle in question from which the illicit liquor was recovered. Except for this, there is no other incriminating material against the petitioner. Learned counsel further submits that the petitioner is not the registered owner of the vehicle; rather, he had purchased the motorcycle from the original owner through a sale letter, and the transfer of ownership was not formally completed. It is also submitted that the petitioner had parked the vehicle and had gone to attend a natural call, and upon returning, found that the vehicle had been seized by the police. The petitioner claims to have no connection whatsoever with the recovered liquor and alleges that he has been falsely implicated in the present case in a malicious manner. It is, however, admitted that the petitioner does not have a clean criminal antecedent, as he is an accused in two other criminal cases, one of which pertains to an offence under the Excise Act.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioner has criminal antecedents,



being named in two other criminal cases, including one under the Excise Act, which reflects a pattern of similar conduct.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Dhaka P.S. Case No. 621/2023, pending before the learned Exclusive Special Excise Court No.3, East Champaran at Motihari, is hereby rejected.

7. However, it is directed that the petitioner shall surrender before the Trial Court within a period of four weeks from today. In case the petitioner surrenders within this period, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioner’s anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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