

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24629 of 2025

Arising Out of PS. Case No.-518 Year-2024 Thana- Excise P.S. District- Banka

Ashok Yadav S/o- Sargun Yadav Resident Of Village- Kamaldih, Ps- Banka,
Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Banka Excise P.S. Case No. 518 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. In course of patrolling, the police intercepted a person, who was riding a motorcycle bearing registration no. BR 51E 5039. In course of search, 6 lts. of illicit country made liquor was recovered from the dickey of the said motorcycle. The petitioner is said to be the owner of the motorcycle in question.

4. Learned counsel for the petitioner referring to the FIR has contended that only on account of the petitioner being



owner of the motorcycle in question, his name has been implicated in this case. In fact, on the alleged date of occurrence, co-accused Krishna Kumar, who is none else but the son-in-law of the petitioner was taken motorcycle for a ride and the petitioner was not knowing this fact that his motorcycle has ever been used for any illicit purpose. Moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceedings of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that there is a specific bar provided under the Bihar Prohibition and Excise Act, 2016 and thus the present anticipatory bail is not maintainable.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that only on account of the petitioner being owner of the motorcycle has been made accused; moreover, during the course of investigation, no cogent material has come suggesting complicity of the petitioner in the crime in question or the recovery of illicit wine and, as such, bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is not attracted in the case in hand, let the above named petitioner, be



released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court-2, Banka in connection with Banka Excise P.S. Case No. 518 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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