

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33047 of 2025

Arising Out of PS. Case No.-309 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

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Dhanjee Kumar Yadav @ Dhanji Kumar Yadav S/O Shri Ram Yadav R/O
Village- Dhamariya, P.O- Mahrauli, P.S- Shahpur, District- Bhojpur, State-
Bihar. At present residing at Gobindpur, Bokaro, Thermal Navardi, Bokaro,
State- Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Ara Muffasil P.S. Case No. 309/2020 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 09 liters country made liquor from the motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name has been surfaced in this case during course of investigation as



the owner of the said motorcycle. He further submits that apprehended co-accused Dinesh Yadav and Rajdev Yadav are gotia of the petitioner and they have misused the said motorcycle in absence of the petitioner and the petitioner cannot be held liable for the same. The petitioner bears no criminal antecedent. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. He further submits that the petitioner has nothing to do with the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-I, Bhojpur, Ara in connection with Ara Muffasil P.S. Case No. 309/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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