

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27785 of 2025

Arising Out of PS. Case No.-190 Year-2025 Thana- Excise P.S. District- Siwan

Hareram Yadav S/o Vishwanath Yadav R/o Village- Dharhara, English, P.S.-
Mairwa, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehend his arrest in connection with Siwan Excise P.S. Case No. 190 of 2025, registered under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution story is that while on patrolling duty, police recovered a total 90 litres of illegal liquor from the Hero Honda Splendor Plus motorcycle bearing Reg. No. UP52N8962.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and he also submits that nothing has been recovered from the conscious possession of the petitioner. The petitioner also submits that that he has clean antecedent. Petitioner also submits that he is the owner of the seized vehicle. He, therefore, prays for grant of



anticipatory bail.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the present case and the fact that nothing has been recovered from the conscious possession of the petitioner and the petitioner has been implicated because he happens to be owner of the seized vehicle and also further taking into account that search and seizure does not carry the signature of two independent witnesses, which puts serious question mark on the legality and validity of the search itself, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like each amount each to the satisfaction of learned Exclusive Special Excise Court No.-II, Siwan, in connection with Siwan Excise P.S. Case No. 190 of 2025, subject to the condition laid down under Section 482 of the Bhartiya Nyaya Sanhita.

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(Alok Kumar Sinha, J)

