

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32377 of 2025

Arising Out of PS. Case No.-728 Year-2024 Thana- Excise P.S. District- Siwan

Bablu Yadav Son of Suresh Yadav Resident of Village - Emlauli, P.S. -
Mairwa, District - Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Siwan Excise P.S. Case No. 728 of 2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, 54 litre illicit country made liquor was recovered from the motorcycle in question and co-accused Punit Kumar Yadav was apprehended on the spot. FIR has been registered against co-accused Punit Kumar Yadav and owner of the seized motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He



further submits that petitioner is not named in the FIR and during course of investigation name of the petitioner has been transpired in this case being owner of the motorcycle in question. Petitioner bears no criminal antecedent. He further submits that petitioner has given the motorcycle to his brother, namely, Punit Kumar Yadav in good faith but motorcycle has been misused by brother of the petitioner. Petitioner was not found on the place of occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the 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 Special Excise Court-II, Siwan in connection with Siwan Excise P.S. Case No. 728 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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