

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29986 of 2025

Arising Out of PS. Case No.-497 Year-2024 Thana- MAIRWAN District- Siwan

Ashok Kumar Rajbhar @ Ashok Rajbhar S/O Ram Kishun Rajbhar Resident
of Village- Laxmipur, P.S.- Mariwan, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 15-05-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Mariwan Police Station Case No. 497 of 2024,
disclosing offences under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, on 26.12.2024,
during a vehicle check near Sumerpur canal bridge, police
intercepted two men on a motorcycle. One, Irshad Ansari, was
caught, while the other person (present petitioner) fled away.
The police recovered 144 liters of country-made liquor from the
motorcycle.

4. Learned Counsel for the petitioner submits that
the petitioner was not apprehended from the spot. Nothing has
been recovered from the conscious possession of the petitioner.
Petitioner is not the owner of the alleged seized motorcycle.
Petitioner has been made accused merely on the basis of
disclosure of his name by the arrested co-accused namely Md.



Irshad Ansari.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is not the owner of the alleged seized motorcycle and the name of the petitioner has transpired on the basis of disclosure of his name by the arrested co-accused, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1, Siwan, in connection with Mariwan Police Station Case No. 497 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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