

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33054 of 2025

Arising Out of PS. Case No.-257 Year-2024 Thana- Excise P.S. District- Siwan

Deepak Raj S/O Ramjeet Yadav R/O Village- Jiyan, P.S- Muhfasil, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Adv.

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

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 Siwan Excise P.S. Case No. 257/2024 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 63 liters foreign 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 co-



accused Anku Kumar and Ravi Raj both are friends of the petitioner and they had taken the said motorcycle and requested the use of his motorcycle to facilitate the celebration of birthday party of their friend. He orally submits that said co-accused persons have misused the said motorcycle 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. 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. He further submits that co-accused Ravi Raj, who had misused the said motorcycle of the petitioner, has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.63923/2024.

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, co-accused has already been granted anticipatory bail, 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 No.II, Siwan in connection with Siwan Excise P.S. Case No. 257/2024, 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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