

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31684 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- SAHARGHAT District- Madhubani

Sanjay Yadav Son of Moti Yadav Resident of village - Ward No.- 03, Kerwa,
Sahar, P.S.- Saharghat, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Pallavi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Saharghat P.S. Case No. 21 of 2025 registered for the offences punishable under Sections 274, 275, 3(5) of the IPC and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged recovery of 9 litre illicit liquor which fell from the jacket of co-accused Dukhi Yadav and one motorcycle bearing registration no. BR32AH3673 was seized at the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the present case as owner of the motorcycle bearing registration no. BR32AH 3673. He further submits that



petitioner has given his motorcycle to his co-villager on the pretext of the medical emergency. Petitioner has no knowledge that his motorcycle was misused by the co-villager. Learned counsel submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 103 and 104 of the BNSS as well as Section 82 of the Bihar Excise and Prohibition Act.

5. The learned A.P.P. for the State vehemently opposes 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 District and Addl. Sessions Judge-II cum Special Judge, Excise Act, Madhubani in



connection with Saharghat P.S. Case No. 21 of 2025, subject to
the conditions as laid down under , Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

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