

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33073 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- BISFI District- Madhubani

Raushan Kumar Yadav @ Raushan @ Roshan Kumar Yadav S/O Ramdayal
Yadav R/O Village- Godhaniya, P.S- Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate

Mr. Rajesh Kumar, Advocate

Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Bisfi P.S. Case No. 42 of 2025 registered for the alleged offence under Section 30(a) of Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, during checking of vehicles, two persons riding a motorcycle were apprehended and from one of the apprehended persons, 180 ml of illicit foreign liquor was recovered. At the instance of the apprehended co-accused persons, another co-accused Manoj Sahni was apprehended and from his possession, 900 ml of country made *Nepali* liquor was recovered. The name of petitioner transpired



in this case as the petitioner was found to be the owner of the motorcycle on which the co-accused persons were travelling.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely on suspicion as he is the registered own of the motorcycle on which the co-accused persons, namely Gopal Kumar and Bhola Yadav were travelling. The petitioner gave his motorcycle in good faith to Gopal Kumar but the friend of Gopal Kumar was arrested with 180 ml. of foreign liquor. Nothing incriminating has been recovered from the person or possession of this petitioner and no offence under the provisions of Bihar Prohibition & Excise Act is made out. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Bisfi P.S. Case No. 42 of 2025, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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