

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31852 of 2025

Arising Out of PS. Case No.-451 Year-2024 Thana- PAHARPUR District- East Champaran

1. Chhotan Kumar @ Chhotan Kumar Yadav S/o Jagarnath yadav Resident of Village- Saraiya Chitaha, Ward no. 04, P.S.- Paharpur, District- East Champaran
2. Bullet Yadav S/o Vidyathi Yadav Resident of Village- Saraiya Ahir Toli, P.S.- Paharpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Kumar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioner are apprehending their arrest in connection with Paharpur P.S. Case No. 451 of 2024 registered for the offences under Sections 30(a), 41(1) and 52 of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received information about petitioner no. 2 Bullet Yadav transporting illicit liquor on a motorcycle by putting the same in milk can. A trap was laid and a motorcycle rider was found coming towards police party carrying two plastic cans. On seeing the police party said person tried to flee away with the motorcycle but he



was chased and the said person escaped taking advantage of the market and heavy population leaving behind his motorcycle. The chaukidar identified the said person as Bullet Yadav, petitioner no. 2. From the motorcycle, recovery of 43.200 litres of India made foreign liquor was made. From verification of the registration of the motorcycle, it was found that the same belongs to the wife of petitioner no. 1 Chhotan Kumar and it was alleged that he was also trader in illicit liquor.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners and they have been made accused in this case merely on saying of the Chaukidar. The petitioners are not the owners of the motorcycle from which the recovery has been shown. The petitioners are having clean antecedent. Learned counsel further submits that the petitioners are co-villager and the petitioner Chhotan Kumar handed over the motorcycle to petitioner Bullet Yadav in good faith but he used the motorcycle in carrying the liquor.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the recovery of illicit liquor was made from the motorcycle which was owned



by the petitioner Chhotan Kumar and was driven by petitioner Bullet Yadav.

6. Having regard to the submission that petitioner Bullet Yadav took the motorcycle from petitioner Chhotan Kumar which has been used in carrying illicit liquor, I am not inclined to grant anticipatory bail to petitioner no. 2 Bullet Yadav and hence, his prayer for anticipatory bail is rejected.

7. However, having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the motorcycle does not belong to the petitioner and considering the fact that there is no material against the petitioner Chhotan Kumar except the fact that he is husband of the owner of the motorcycle, considering the possibility of false implication, let the petitioner no. 1 Chhotan Kumar @ Chhotan Kumar Yadav, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. I, Motihari, East Champaran/concerned court in connection with Paharpur P.S. Case No. 451 of 2024, subject to the condition as laid down under Section 482(2) of



the B.N.S.S. 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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