

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36288 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- CHOUTARWA District- West Champaran

Sikandar Yadav @ Sikandar Kumar Yadav S/o- Lalbabu Yadav Village-
Harpur P.S.-Chautarwa Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2025 Heard Mr. Anand Kishore Choudhary, learned
counsel appearing for the Petitioner and Mr. Md. Aslam Ansari,
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Chautarwa P.S. Case No. 59 of 2025 dated 15.02.2025
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016 (in short 'Excise Act').

3. The main submissions advanced by petitioner's
counsel are that the petitioner has clean past history, has never
remained involved in any kind of activity prohibited under
Excise Act and his name has surfaced in the confessional
statement of co-accused, Piyush Kumar, which has no
evidentiary value in the eye of law. It is further submitted that



the instant matter relates to the recovery of 41.850 litres of english liquor from an Alto Car which does not belong to this petitioner rather as per the statement of co-accused, Piyush Kumar, the same was purchased by him from one, Md. Alam, who is the resident of Uttar Pradesh State and as per the FIR, only one person was seen driving the alleged vehicle and it is not the case of the prosecution that the petitioner was driving the said vehicle, so, in view of these circumstances, the alleged offence punishable under Excise Act does not attract against this petitioner even *prima facie*, so, his prayer is not hit by the provisions of Section 76(2) of the Excise Act.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the aforesaid submissions advanced by petitioner's counsel, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Chautarwa P.S. Case No. 59 of 2025, subject to



the conditions as laid down under Section 482(2) of the
B.N.S.S.

(Shailendra Singh, J)

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