

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42701 of 2025

Arising Out of PS. Case No.-220 Year-2024 Thana- Excise P.S. District- Saran

Jitendra Yadav S/o Bharat Yadav R/o Chand Diyara, P.S.- Bairiya, Dist.-
Bairiya, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Adv.
For the State : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 12-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30 (a) and 32 (3) of the Bihar Prohibition and Excise Act, 2016.

3. The recovery of total 4.50 litres of foreign liquor has been shown from a motorcycle.

4. Learned counsel for the petitioner submits that no recovery was made from physical and conscious possession of the petitioner. His name has surfaced in the present case on account of the fact that he is the owner of the seized motorcycle. Though, the recovery has been shown from the motorcycle belonging to this petitioner, but it is submitted that the said motorcycle of the petitioner had gone missing prior to the



alleged occurrence. However, he could not lodge a case with regard to the same. It is next submitted that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure. It is also pointed out by learned counsel for the petitioner that this petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the entire facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Excise Sadar P.S. Case No. 220 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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