

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45179 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- Excise P.S. District- Araria

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Durganand Yadav S/o Suresh Yadav Resident of village- Khawaspur, P.S.-
Simraha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the State : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 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 Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. The recovery of total 35 litres of country made 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. However, the motorcycle had been give to a co-villager for his personal use on the alleged date and hence, the petitioner had no knowledge that his motorcycle was put to



illegal use. 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 Araria Excise P.S. Case No. 59 of 2025, 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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