

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50723 of 2025

Arising Out of PS. Case No.-170 Year-2024 Thana- GUTHANI District- Siwan

=====

Jitendra Kumar Yadav @ Jitendra Yadav S/O Parmanand Yadav Resident of
Village- Mahadev Nagar, P.S- Darauli, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Guthni P.S. Case No. 170 of 2024, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. In course of raid at village *Tali Kurmha Chowk*, the
police intercepted a motorcycle and apprehended two persons,
who were riding on the same. In course of search, total 54 liters
of Indian made liquor was recovered.

4. Learned Advocate for the petitioner contended that
only on account of the fact that the petitioner being owner of the
motorcycle, in question, his name has been implicated in this
case. In fact on the alleged date of occurrence, the motorcycle



was taken away by one of his neighbour on the pretext of bringing some household articles. However, he was not knowing this fact that his motorcycle has ever been used for illicit purpose. It is the admitted position that the petitioner was neither present at the place of occurrence nor any incriminating materials has been collected during the course of investigation, showing connection of the petitioner with the alleged recovered illicit wine. The aforesaid fact also fortified in view of the fair antecedent of the petitioner.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that use of the vehicle for trafficking of illicit wine is apparent from the materials available on record.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the fact that the petitioner was neither found present at the place of occurrence nor there is any material suggesting the connection of the petitioner with the recovered illicit wine, coupled with the fair antecedent as also the lack of materials which attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named be released on bail, in the event of his arrest or surrender



before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Siwan in connection with Guthni P.S. Case No. 170 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

