

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61155 of 2025

Arising Out of PS. Case No.-173 Year-2025 Thana- DAWATH District- Rohtas

Om Prakash Yadav Son of Lt. Komal Singh @ Kamal Singh Resident Of
Village - Chak Chatar, P.S. - Dawath, Dist. - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uttam Kumar Mishra
For the Opposite Party/s : Mr. Asha Devi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 08-10-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Dawath Police Station Case No. 173 of 2025,
disclosing offences under Sections 30(a) and 32(2) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.
3. As per the FIR lodged by ASI Balmiki Prasad of
Dawath Police Station, Rohtas, on 29.05.2025, while on night
patrolling and vehicle checking duty, he received secret
information that Subhash Yadav was transporting liquor from
Kowath on a motorcycle. During checking at Majhauri Mor, a
motorcycle with two persons was signaled to stop, but they fled.



After hitting a tree, they escaped, leaving the motorcycle behind. On searching the vehicle in presence of two constables, the police recovered 17.28 liters of foreign liquor from two cartons. A seizure list was prepared, and the motorcycle was found to be driven by Subhash Yadav.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner has been made accused merely because he happens to be the owner of the motorcycle from which 17.28 liters of liquor was recovered. Learned counsel next submits that petitioner's brother, Subhash Singh, had borrowed the motorcycle and used it to carry liquor without his knowledge. No illicit liquor has been found from the conscious possession of the petitioner. Petitioner is a farmer, not involved in any illegal liquor trade, and has a good social reputation.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner has been made accused merely because he happens to be the owner of the seized motorcycle which petitioner's brother had borrowed from him and petitioner is having no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, allowed.

7. 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 learned Special Judge Excise -1, Rohtas at Sasaram, in connection with Dawath Police Station Case No. 173 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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