

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61522 of 2025

Arising Out of PS. Case No.-379 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Pintu Kumar Yadav @ Pintu Yadav Son of Tulsi Yadav R/o Village -
Salempur, P.S. - Muffasil, Dist. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar
For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise Case No. 379 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 10 litre illicit chulai liquor was recovered from Pulsar motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation, name of the petitioner has been transpired in this case as the owner of the said motorcycle in question. He further submits that petitioner has sold his motorcycle through sale



agreement to one Karan Kumar in the year 2019 (Annexure P/2) and, hence, petitioner cannot be held liable for the alleged recovery. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-3, Gaya in connection with Excise Case No.



379 of 2020 subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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