IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64946 of 2025

Arising Out of PS. Case No.-696 Year-2025 Thana- Excise P.S. District- Aurangabad

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Guddu Yadav @ Guddu Kumar S/o Mohan Yadav Resident of Village- Badal Bigha, P.S.- Madanpur, District- Aurangabad

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mrs. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 24-09-2025 Heard Mrs. Mukul Kumari, learned counsel for the Petitioner and Mr. Kanhiya Kishor, learned APP for the State.

2. The petitioner apprehends his arrest in connection with G.R. No. 1250 of 2025 arising out of Excise P.S. Case No. 696 of 2025, dated 02.07.2025 registered for the offences punishable under Sections 30(a), 32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred as 'Excise Act').

3. The main submissions advanced by the petitioner's counsel are that the instant matter relates to the recovery of 734.400 litres of foreign liquor from a tractor, the petitioner is not the owner of the said tractor and it is an admitted position that only one person, being the driver of the alleged tractor, was present in that vehicle when the recovery of the alleged liquor was made. It is further submitted that the allegation against this petitioner is that he and another person played the role of liner in facilitating the commission of the smuggling of the alleged liquor by escorting the alleged tractor on a motorcycle. Furthermore, though in the FIR there are details of the registration and chassis number of the said motorcycle and the seizure of the said motorcycle has also been shown but the petitioner has no connection with the same and in this regard, he has made his specific statement in paragraph no. 9 of the petition. It is lastly submitted that apart from the confessional statement of the apprehended co-accused, there is nothing to show the petitioner's involvement in the commission of the alleged offence punishable under the Excise Act, therefore, the same does not attract against him even *prima facie,* hence, his prayer for anticipatory bail is not hit by the provisions of Section 76(2) of the Excise Act.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. In the facts and circumstances of this case, as well as considering the submissions as stated above, in my opinion, the petitioner deserves the relief of anticipatory bail.

Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with G.R. No. 1250 of 2025 arising out of Excise P.S. Case No. 696 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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