

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.65384 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- MALAHI District- East Champaran

Sanjay Yadav S/O Mukhdev Yadav R/O Village- Chatiya Katta, P.S- Malahi,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balgovind Sharma

For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 24-09-2025 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 Malahi Police Station Case No. 76 of 2025, dated 26.02.2025, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution story, as per the First Information Report, is that on 26.02.2025, the police received secret information that the petitioner and one other person were loading illicit liquor on a motorcycle in the hut-like house of co-accused Jogi Yadav. On this information, the police party reached at the place of occurrence and saw that two



persons who upon seeing the police, left the motorcycle and fled away. The police party tried to chase them but both succeeded in fleeing away. The local chowkidar disclosed that the motorcycle belonged to the petitioner. Upon search, the police seized two motorcycles and recovered a total of 59.58 liters of illicit liquor from the said motorcycles and from a hut.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case only because he happens to be the registered owner of the motorcycle, in question, and on the basis of disclosure of his name by the local chowkidar. He next submits that the motorcycle, from where illicit liquor has been recovered, was borrowed by his friend to bring medicine and the petitioner had no knowledge about the illicit liquor being kept therein.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has been made accused only because he happens to be the registered owner of the motorcycle, which was borrowed by his friend, 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Court No. 1, East Champaran, Motihari, in connection with Malahi Police Station Case No. 76 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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