

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65539 of 2025**

Arising Out of PS. Case No.-107 Year-2024 Thana- Excise P.S. District- Madhubani

Ramesh Kumar S/O Ram Vilash Yadav Resident of Village- Malangiya, P.S-
Madhubani Town, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Shyam Bihari Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Madhubani Excise P.S. Case No. 107 of 2024, corresponding to G.O. No. 955 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 18 litre country made liquor was recovered from the motorcycle in question and co-accused Umesh Yadav was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the present case as owner of the motorcycle in question. He further submits that co-accused Umesh Yadav is



the own brother of the petitioner and he used to drive the alleged motorcycle in absence of the petitioner and he has misused the said motorcycle. Petitioner has no concern with the alleged recovery. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. There is complete violation of Section 103(3) and 103(8) of B.N.S.S, 2023. Petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner.

5. The learned A.P.P. for the State vehemently 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 Additional Sessions Judge 2nd-cum-Special Judge Excise Act, Madhubani in connection with Madhubani Excise P.S. Case No. 107 of 2024,



corresponding to G.O. No. 955 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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