

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69154 of 2025

Arising Out of PS. Case No.-364 Year-2025 Thana- Excise P.S. District- West Champaran

Akash Kumar Yadav @ Akash Kumar, aged about 23 years, Gender, Male,
S/o Lalbabu Yadav @ Lal Yadav @ Lal dev Resident of village- Ward no-11,
Teluha, P.S.- Nautan, District- west Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Mohan, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-10-2025 Heard Mr. Mayank Mohan, learned counsel

appearing on behalf of the petitioner and Mr. Parmanand Prasad

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bettiah Excise P.S. Case No. 364/2025 registered for the
offence(s) punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the allegation made in the FIR, total 13.86
litres of illicit liquor was recovered from two motorcycles
bearing Registration No.BR22AY – 8875 and BR22AB- 3588.
One co-accused Harindra Yadav was apprehended from the spot
and he disclosed the name of the petitioner.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submitted that petitioner has no concern either with the seized liquor or with the said motorcycles. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused and confessional statement made before police has no evidentiary value.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR, the learned District Court is directed to call for a report from the District Transport Officer concerned with respect to the actual owner of the motorcycles. In that case, the District Transport Officer is directed to submit the report before the learned District Court well within a period of one week. On the basis of report, the learned District Court is directed to verify, as to whether, the vehicles are stolen one or not and whether the same are not registered in the name of the petitioner. **If it is found that the motorcycles are not registered in the name of the petitioner and not stolen one, then in that case, the petitioner, above named, is directed to**



be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of six weeks from today, 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 Judge-Excise-I, Bettiah, West Champaran/ Concerned Court in connection with Bettiah Excise P.S. Case No. 364/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

8. Further, it is made clear that in case it is found that the motorcycles in question are stolen one, then in that case also, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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