

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70630 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- DUMARIYA District- Gaya

Tetar Kumar S/o Rajendra Yadav @ Dingar Yadav R/o Village- Pichhuliya,
P.S.- Chakarandha, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Dumariya P.S. Case No. 91 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is alleged recovery of 75 liters illicit country made liquor from the black coloured Hero Honda Splendor Plus Motorcycle bearing Reg. No. BR 02AD8364 and 70 liters illicit country made liquor from black and blue coloured Hero Honda Motorcycle bearing Reg. No. JH13B4272. Apprehended accused Rakesh Kumar disclosed the name of the petitioner who fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. Petitioner is neither owner nor driver of the motorcycles in question. He further submits that except disclosure of apprehended co-accused Rakesh Kumar, there is nothing on record to connect the petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears no criminal antecedent. 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.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that petitioner's name came to fore on the confessional statement of co-accused Rakesh Kumar, as mentioned in the F.I.R., and petitioner cannot escape from the allegations levelled in the first information report.

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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Excise Judge No. 3, Gaya in connection with Dumariya P.S. Case No. 91 of 2024, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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