

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75369 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- RAJNAGAR District- Madhubani

Avinash Kumar @ Avinash Kumar Yadav S/O Jay Kant Yadav R/o - Piprun,
P.S - Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the State : Mr. Md. Iftekhar Mahmood, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 16-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code r/w Sections 274, 275 of the BNS, 2023 and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. A perusal of the FIR and the seizure list would go to show that there is recovery of total 45 litres of Nepali country made liquor from a motorcycle bearing Registration No. BR 32G-2124. The name of the petitioner has transpired in the case on account of the fact that he happens to be the owner of the said motorcycle.



4. Learned counsel for the petitioner submits that the petitioner is innocent and no recovery has been made from his physical and conscious possession. He has only been made accused in the present case since he was the owner of the said motorcycle which was seized in the said offence. However, Annexure-P/2 to the application would go to show that the petitioner had sold his motorcycle to one Keshar Kumar on 29.05.2018 and thus, he is neither concerned with the said motorcycle nor with the seized liquor.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering all the above mentioned facts and circumstances and particularly that no recovery has been made from the physical and conscious possession of the petitioner and he has no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. 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) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge (Excise Act), Madhubani in connection with Rajnagar P.S.



Case No. 178 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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