

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83831 of 2024**

Arising Out of PS. Case No.-729 Year-2023 Thana- KAUWAKOL District- Nawada

Arjun Yadav Son of Ramdhani Yadav Resident of Village - Madhurapur, P.S. -
Kawakol, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) Bihar
Prohibition and Excise Act, 2016.

3. As per the allegation in the first information
report, it appears that from the Pachambha forest, one
motorcycle bearing registration number BR-46D-8281, carrying
wine was apprehended by the police and a total of 15.375 litres
of illicit foreign liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in the
present case. He further submits that the petitioner was neither



present on the place of occurrence nor anything was recovered from the conscious possession of the petitioner. Petitioner has got clean antecedent as stated in Para-3 of his bail petition. He next submits that the said motorcycle was given by the petitioner for personal use of the co-accused as stated in Para-11 of the petition.

5. Learned APP for the State vehemently opposes the anticipatory bail of the petitioner.

6. On perusal of first information report and impugned order dated 07.10.2024, it appears that the petitioner is not named in the FIR and nothing has been recovered from his conscious possession as well as he has got no criminal antecedent, so I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed. Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of six months from today, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties with the like amount each to the satisfaction of learned Exclusive Excise Court, Nawada in connection with Kawakol P.S. Case No. 729 of 2023, subject to the conditions as laid



down under Section 438(2) of Cr.P.C.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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