

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86957 of 2024

Arising Out of PS. Case No.-428 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Anil Chaudhary S/O Jago Chaudhary Village - Kishabija P.S -Dobhi District -
Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-01-2025 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of
Excise Police Station Case No. 428 of 2018, dated
18.11.2018, disclosing offence under Sections 30(a)/56(b)
of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report,
is that the excise officials, during vehicle check, signalled
one motorcycle to stop, which was being driven by the
co-accused Arvind Kumar and on search, the police
recovered 10 litres of illicit country-made liquor and 100
kgs of mahua flower from the motorcycle. The excise
officials arrested co-accused Arvind Kumar and seized the



motorcycle also.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely because he happens to be the registered owner of the motorcycle in question. He further submits that the petitioner has got no concern with the illicit liquor recovered and one of his co-villagers, namely, co-accused Arvind Kumar, had borrowed his motorcycle for some urgent work. He further submits that the petitioner has got no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and he has been made accused in the present case merely because he is the owner of the motorcycle which was borrowed by his co-villager, co-accused Arvind Kumar, who was arrested at the spot along with the motorcycle, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. 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 Exclusive Special Excise
Court No. III, Gaya, in connection with Excise Police
Station Case No. 428 of 2018, subject to the condition
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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