

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84427 of 2025**

Arising Out of PS. Case No.-2 Year-2025 Thana- Excise Dumraon District- Buxar

Dwarka Yadav @ Dwarika Yadav, S/o Saral Yadav, R/o Village - Bandhuchak,  
P.S - Haldi, District - Ballia (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      18-12-2025                      Heard Mr. Anil Kumar Singh, learned counsel for  
  
the petitioner and Mr. Tapeswar Sharma, learned APP for the  
  
State.

2. The petitioner apprehends his arrest in connection with Excise Dumraon P.S. Case No. 02 of 2025 dated 04.01.2025 registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act (in short, 'Excise Act').

3. Learned counsel for the petitioner submits that the petitioner has been made accused in connection with the recovery of the alleged liquor mainly on account of he being the registered owner of the alleged motorcycle but in fact the petitioner was not present at the alleged place of recovery rather he was in Gujarat State at that time and it is the case of the



prosecution that only one person, namely, Munarika Yadav was riding on the petitioner's motorcycle, who was apprehended and it is not the case of the prosecution that two persons were riding on the alleged motorcycle, which shows that the petitioner has no role in the commission of the alleged offence. It is further submitted that Munarika Yadav had taken the petitioner's motorcycle from the petitioner on some pretext and later, petitioner's motorcycle was used by the said Munarika Yadav in the commission of the alleged offence and therefore, the petitioner's prayer is not hit by the provisions of section 76(2) of the Excise Act as there is nothing even *prima facie* to show his involvement in the alleged offence. It is lastly submitted that the petitioner has clean past history and has never remained involved in similar type of alleged offence of the Excise Act.

4. Though learned APP for the State has opposed the prayer of the petitioner but fairly accepts that the petitioner has been made accused mainly on account of he being the registered owner of the alleged motorcycle.

5. Considering the aforesaid submissions, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Excise Dumraon P.S. Case No. 02 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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