

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82675 of 2025

Arising Out of PS. Case No.-1171 Year-2025 Thana- Excise P.S. District- Aurangabad

Baban Yadav Son of Lal Mohan Yadav Resident of Village - Bandra, P.S.-
Mali, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Priyam Kumari, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Excise Sadar Aurangabad P.S. Case No.1171 of 2025, F.I.R dated 22.10.2025 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 22.10.2025, ASI Vinod Kumar Chauhan, while conducting routine checks during an anti-liquor raid, noticed a motorcycle rider who tried to flee upon seeing the police. Due to darkness, the rider escaped, abandoning the motorcycle. In the presence of witnesses, the police searched the vehicle and recovered 3.750 litres of illicit liquor, after which a seizure list was prepared.



4. Learned counsel for the petitioner submits that the petitioner is the owner of the motorcycle in question, which is said to have been used in the said commission of offence and is also said to have been found lying near the Kutumba Police Station, where from the seizure of illicit liquor to the tune of 3.750 liters is said to have been made. It has next been submitted that the family members of the petitioner had taken this motorcycle for going to the market and when they have left for the market, they experienced some mechanical defect and therefore, they parked the said motorcycle near Kutumba Police Station. The said motorcycle was not being driven by this petitioner and he is in no way connected with the seized articles and his name has transpired in this case merely on the basis of the fact that he is the owner of the said motorcycle. The petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and the petitioner has clean antecedent and is in no way connected with the seized articles,



accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.02, Aurangabad, Bihar, in connection with Excise Sadar Aurangabad P.S. Case No.1171 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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