

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87290 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- PASRAHA District- Khagaria

Kapildev Yadav son of Late Garbhu Yadav Village -Mehan (Menhan), Ward
no. 1, Po- Dandari, Ps- Baliya, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 20-01-2025 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
Pasraha Police Station Case No. 10 of 2023, dated
14.01.2023, disclosing offence under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report,
is that the police, on secret information that one person is
coming on a motorcycle with illicit country-made liquor,
reached at the place of occurrence and signalled one
motorcycle to stop, but the rider tried to flee away but he
was apprehended by the police along with the motorcycle
and the arrested co-accused person has disclosed his name
as Ganouri Yadav and on search, the police recovered 15



litres of illicit country-made liquor kept on the motorcycle in a bag.

4. Learned Counsel for the petitioner submits that the petitioner, aged about 72 years, 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. He further submits that the petitioner has got no criminal antecedent. He further submits that the petitioner is not named in the First Information Report and for the first time, he has been implicated in this case during the investigation in paragraph 38 of the case diary as the owner of the motorcycle.
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 and only one person was seen on the motorcycle, who was arrested by the police, 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 Special Excise Judge-II, Khagaria, in connection with Pasraha Police Station Case No. 10 of 2023, 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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