

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88369 of 2024

Arising Out of PS. Case No.-285 Year-2024 Thana- Excise P.S. District- Darbhanga

Santosh Kumar Yadav @ Santosh Yadav Son of Utim Lal Yadav Resident of
Village- Baturi, Post- Andah, P.S.- Pandaul, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar
For the Opposite Party/s : Mrs. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sadar Darbhanga Excise P.S. Case No. 285/2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 20 liters illicit *chulai* liquor from the Hero Splender motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name has been surfaced in this case as an owner of the said motorcycle in question. The said motorcycle was stolen by some one and he has already lodged Pandaul P.S. Case No. 121/2024 dated 21.04.2024 under Section 379 of the I.P.C. regarding the same which is annexed as



Annexure-P/2 of this petition. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is not in any way connected with the alleged occurrence and entire allegation is false, frivolous and baseless. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 Judge,1st, Excise Act, Darbhanga in connection with Sadar Darbhanga Excise P.S. Case No. 285/2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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