

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89162 of 2024

Arising Out of PS. Case No.-200 Year-2024 Thana- DHANAHA District- West Champaran

Rajesh Yadav, S/o- Rajbanshi Yadav, Village- Dounaha, Bintoli, Ward No. 9,
P.S. Dhanaha, Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Dhanaha P.S. Case No. 200 of 2024, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Allegedly the informant alongwith his friend
apprehended two persons who were coming on a motorcycle,
however one of them succeeded in fleeing away. On search,
16.800 liters of country made liquor was recovered from the
dickey of the motorcycle. The person who succeeded in fleeing
away is said to be the petitioner.

4. Learned Advocate appearing on behalf of the



petitioner contended that the informant is none else but the co-villager with whom the petitioner has a previous dispute. It is further contended that in fact only on account of the petitioner being owner of the motorcycle in question, his name has been implicated in this case. Save and except the aforesaid fact, there is no other material suggesting the complicity of the petitioner in the crime. It is a case where the two co-villagers have apprehended the co-accused and seized the motorcycle, where after the police was informed and they have been handed over to them. So far the criminal antecedent of the petitioner is concerned, it is contended that though the petitioner is having one antecedent of identical nature, but that is of the year 2013 and with regard to another P.S. case, the same is arising out of a land dispute. The petitioner undertakes before this Court that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the motorcycle in question from where the entire recovery has been made belongs to the petitioner, apart from his criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the informant



is none else but the co-villager and save and except the fact that the petitioner being owner of the motorcycle, there is no other material, neither the petitioner was apprehended at the place of occurrence, nor any incriminating material has been recovered from his conscious or constructive possession and, as such, the bar provided under Section 76(2) of the Excise Act, 2016 is not applicable in the present case, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 200 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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