

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2885 of 2025

Arising Out of PS. Case No.-160 Year-2024 Thana- YADOPUR District- Gopalganj

Arjun Kumar Yadav, S/o Vindhyachal Yadav @ Bindhachal Yadav, R/o Village- Bhagwanpur, P.S.- Nautan, District- West Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 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 Jadopur (Yadopur) P.S. Case No. 160 of 2024, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. In course of vehicle checking, the police intercepted a person, who was riding on a motorcycle, however on noticing the police party, the person succeeded in fleeing away after leaving the motorcycle. On search, total 16.8 litres country made liquor was recovered from the dicky of the motorcycle. The name of the petitioner has surfaced on the secret information.



4. Learned Advocate appearing on behalf of the petitioner contended that the petitioner has neither any concern with the motorcycle in question, nor with the illicit wine. Only on account of one criminal antecedent of identical nature, his name has been implicated in this case on suspicion. Save and except suspicion, there is no material suggesting the complicity of the petitioner in crime. It is the contention of the petitioner that neither the illicit wine has been recovered from the conscious or constructive possession of the petitioner, nor during the course of investigation any incriminating material has come. The alleged recovery has been made from the motorcycle in question that does not belong to him and, as such, the bar provided under section 76(2) of the Bihar Prohibition Act does not attract.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the recovery has been made from the motorcycle which does not belong to the petitioner, coupled with the identification of the petitioner based on suspicion, and the materials available on record does not attract the bar under Section 76(2) of the Act, 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 Additional Sessions Judge-XIII-cum-Special Excise Court No. 1, Gopalganj in connection with Jadopur (Yadopur) P.S. Case No. 160 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)

supratim/-

U		T	
---	--	---	--

