

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8846 of 2026

Arising Out of PS. Case No.-1390 Year-2025 Thana- Excise P.S. District- Aurangabad

Ravi Kumar Son of Gopal Yadav Resident of Ward no. 14, Shahpur road
Tikri, PS- Aurangabad Town Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Aurangabad Excise P.S. Case No. 1390 of 2025 registered for the offences punishable under Sections 30(a), 32(3), 37 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, 2 litre illicit chulai liquor was recovered from the motorcycle in question and co-accused Basant Yadav, Amresh Yadav and Sanjay Yadav were apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in



this case as the owner of the motorcycle in question. He further submits that on the alleged date of occurrence petitioner gave his motorcycle to Basant Yadav and he misused the said motorcycle. Petitioner had no knowledge that his motorcycle was being used for carrying illicit liquor. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case due to high handedness of the police. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that the alleged recovery has been made the motorcycle in question and hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, 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 Special Judge Excise Court No. II, Aurangabad, Bihar in connection with Aurangabad Excise P.S. Case No. 1390 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

alok/-

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

