

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.33919 of 2026**

Arising Out of PS. Case No.-18 Year-2026 Thana- THAKRAHA District- West Champaran

Amerika @ Amerika Yadav S/o Mangarasan @ Bhagarasan R/o Village-  
Lakshmipur Deeh, P.S- Barwapatti, Dist- Kushinagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Perna Anand, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR  
ORAL ORDER**

2      20-05-2026                                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Thakraha P.S. Case No.18 of 2026, F.I.R dated 09.02.2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, a total of 51.84 liters of english liquor has been recovered from a motorcycle bearing Reg. No. UP 57K0957, which was driven by other co-accused and the petitioner is the registered owner of the said motorcycle.

4. Learned counsel for the petitioner submits that the maternal brother of the co-accused, namely, Naresh Yadav, had taken the motorcycle of this petitioner bearing Reg. No. UP 57K0957 and the petitioner is the owner of the said motorcycle. It has next been submitted that the petitioner is in no way



connected with the seized country made liquor and the co-accused persons, as per the allegations, have been found to be carrying the illicit liquor and the name of the petitioner has transpired in the present case on him being the owner of the said motorcycle. Lastly, it has been submitted that the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and the name of the petitioner has transpired in the present case on him being the owner of the said motorcycle and the petitioner has no criminal antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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, Bagaha, West Champaran, in



connection with Thakraha P.S. Case No.18 of 2026 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

**(Ajit Kumar, J)**

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