

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35064 of 2024**

Arising Out of PS. Case No.-167 Year-2024 Thana- PIRPAINTI District- Bhagalpur

Sunil Kumar Ram @ Sunil Kumar son of Vikhari Paswan @ Bhikhari Paswan  
Village- Nandlalpur P.S. Kahalgaon, District Bhagalpur

. ... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Narendra Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

ORAL ORDER

- 2      30-05-2024      1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Pirpainti Police Station Case No. 167 of 2024, disclosing offences under Sections 30(a)/37 of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information, intercepted two motorcycles and on seeing the police, both the persons tried to flee away but the police apprehended one person with motorcycle while the other person succeeded in fleeing away after leaving behind his motorcycle. On search, the police recovered 4.125 liters of illicit liquor from the both the vehicles. The arrested co-accused person disclosed the name of the petitioner as the person who fled away after leaving behind his motorcycle.
4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case merely on the basis of disclosure of his name by the arrested co-accused person who was in drunken state at the time of his arrest. The seized motorcycle of the petitioner was borrowed by his friend for some urgent purpose and the petitioner was not aware about the illicit liquor being carried on it. He further submits that no illicit liquor has been recovered from conscious possession of the petitioner; rather a very small quantity of liquor was recovered from his motorcycle. He further submits that the petitioner has got no criminal antecedent.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and the name of the petitioner has been disclosed by arrested co-accused, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise



Court No. II, Bhagalpur, in connection with Pirpainti Police Station Case No. 167 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

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