

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43528 of 2024**

Arising Out of PS. Case No.-453 Year-2024 Thana- Excise P.S. District- Aurangabad

1. SANTOSH KUMAR SINGH @ SANTOSH KUMAR @ BUTA SON OF LATE SARYU SINGH VILLAGE-KARAMDIH,P.S.- KUTUMBA, DISTT-AURANGABAD
2. ABHINAV KUMAR SINGH @ ABHINAV KUMAR @ SANNY SINGH SON OF GOPAL SINGH VILLAGE- PIPRA, P.S.- KUTUMBA, DISTT.-AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                     |   |                            |
|---------------------|---|----------------------------|
| For the Petitioners | : | Ms. Mukul Kumari, Advocate |
| For the State       | : | Ms. Pushpa Sinha.1, APP    |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      29-07-2024                      Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 700 litres illicit liquor has been recovered from a car of which Petitioner No. 1 is alleged to be driver and Petitioner No. 2 is alleged to be associate of Petitioner No. 1.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that none of these petitioners are owner of the vehicle in question. As a matter of fact, Petitioner No. 1 was simply driver of the vehicle in question and Petitioner No. 2 was his associate. It is further submitted that these petitioners had no knowledge of the nature of goods which were being carried in the vehicle and only on instructions of owner of the vehicle, they were driving the vehicle. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances, nature of accusation, the fact that these petitioners are not owners of the vehicle in question and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Aurangabad, in connection with G.R. No. 855 of 2024, arising out of Excise P.S. Case No. 453 of 2024, subject to



condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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