

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74354 of 2024**

Arising Out of PS. Case No.-104 Year-2024 Thana- PHULWARIYA District- Gopalganj

Ashok Prasad S/o Ramekbal Prasad R/o Village- Mohammadpatti, P.S.-  
Khaira, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alka Panday

For the Opposite Party/s : Mr.Md. Nazir Ansari

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

2      13-11-2024      1. Heard the parties.

2. The petitioner apprehends his arrest in connection with  
Phulwariya P.S. Case No. 104 of 2024 dated 10.03.2024  
registered under Section 30(a) of the Bihar Prohibition and  
Excise Amendment Act, 2022.

3. As per the prosecution story the Police party seized a total  
quantity of 18.75 liters of foreign liquor kept in a bag on  
Passion Pro motorcycle bearing registration no. BR04Y-4898  
and apprehended one person.

4. Learned counsel for the petitioner submits that petitioner is  
innocent and he has falsely been implicated in this case by the  
Police. There is no recovery of illegal liquor from the conscious  
possession of the petitioner and / or from the house belonging to  
the petitioner. The recovery of 18.75 liters of foreign liquor has  
been made from the co-accused Rajan Kumar (son of the



petitioner), who was driving the motorcycle at the relevant time and was arrested by the Police. The Police during investigation did not find any evidence against the petitioner and submitted final form in favour of the petitioner and he was not sent up for trial. The petitioner has got clean antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that the son of the petitioner involved in the trade of illicit liquor has been arrested and the petitioner has got clean antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. 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 Additional District and Sessions Judge XIII-cum-Special Judge, Excise Court No. 1, Gopalganj in connection with Phulwariya P.S. Case No. 104 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

praful/-

(Anil Kumar Sinha, J)

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