

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71898 of 2024**

Arising Out of PS. Case No.-471 Year-2024 Thana- Excise P.S. District- Siwan

Sudhakar Kumar Tiwari S/o- Late Jai Prakash Tiwari Resident of Village-  
Mahamadpur PS- Manjhi, Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P

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

2      28-10-2024                      1. Heard learned Counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

2. This applications, for grant of anticipatory bail, arises  
out of Siwan Excise Police Station Case No. 471 of 2024,  
dated 03.09.2024, disclosing offences under Sections  
30(a)/ and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, as per the First Information  
Report, is that, on 03.08.2024 at around 05:35 P:M  
during the vehicle checking at Syahi Pool Checkpost,  
Police Station Mairwa, Dist. Siwan police stopped a  
Pulsar motorcycle bearing Registration No. BR29AJ7179,  
on which two persons namely, Vikesh Kumar Rajbhar and  
Mukesh Kumar Rajbhar were riding and from the said  
motorcycle, 3.5 liters of illicit foreign liquor was



recovered. Again, a silver colored Alto Car bearing Registration No. BR29AX5860 was stopped, in which two persons namely Dhanjeev Kumar Rai and Prince Kumar were sitting and from the said car, 4.5 liters of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner has been made accused merely because he happens to be the owner of the car. He further submits that no liquor has been recovered from the conscious possession of the petitioner. The petitioner is having no criminal antecedent. He further argued that Dhanjeev Kumar is driver of the said car who alongwith co-accused Prince had gone to his aunt's place to drop her there and while returning he might have purchased liquor which was not to the knowledge of the petitioner.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having no criminal antecedent and the illicit liquor has not been recovered from his conscious possession, 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 six 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 Exclusive Special Excise Court No.II, Siwan in connection with Excise P.S. Case No. 471 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

Siwani/-

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