

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2477 of 2025

Arising Out of PS. Case No.-1434 Year-2024 Thana- Excise P.S. District- East Champaran

Shashi Bhushan Kumar S/o- Jai Chandra Bhagat @ Nawal Kishor Bhagat
Resident of village- Bhopatpur ward no 07, Ps-Bhopatpur District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
Mr. Hemant Ray
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-02-2025 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
Excise Police Station Case No. 1434 of 2024, dated
01.09.2024, disclosing offence under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report,
is that the police got secret information that the petitioner,
along with other co-accused persons, were preparing to
transport the illicit liquor in a pick-up van with an
intention to unload the same on different small vehicles,
proceeded towards the place of occurrence and saw that
some motorcyclists were coming and upon seeing the



police, they started fleeing away. However, they succeeded in fleeing away after leaving one motorcycle on the spot. The police recovered 103.68 litres of illicit foreign liquor from the motorcycle.

4. Learned Counsel for the petitioner submits that the petitioner is not the owner of the motorcycle from where illicit foreign liquor was recovered, as stated in paragraph 9 of this application. The illicit liquor has not been recovered from the conscious possession and/or vehicle belonging to the petitioner and the petitioner's name has transpired on the basis of secret information. 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 illicit liquor has not been recovered from the conscious possession and the vehicle, from which illicit liquor has been recovered does not belong to the petitioner, he is not having any criminal antecedent and his name transpired in this case on secret information, 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, East Champaran, at Motihari, in connection with Excise Police Station Case No. 1434 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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