

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1559 of 2025

Arising Out of PS. Case No.-89 Year-2022 Thana- GOVINDPUR District- Nawada

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Guddu Kumar Son of Bhaso Mali @ Krishna Malakar @ Krishnadev Malakar
Village- Pakribarawan, P.S. -Pakribarawan, Dist-Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is not named in the

F.I.R. and apprehended his arrest in connection with

Govindpur P.S. Case No. 89 of 2022 registered for the

offences punishable under Section 30 (a) of the Bihar

Prohibition and Excise Act.

3. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 750 ml of IMFL/country made

liquor.



4. Learned counsel appearing on behalf of the petitioner submitted that as motorcycle was being used by the brother of this petitioner and he found in possession of 750 ml of illicit liquor, petitioner implicated with the present case. It is pointed out that petitioner was not under knowledge that his brother was carrying illicit liquor. It is pointed out that in want of knowledge it cannot be said that recovery of illicit liquor was made from conscious possession of petitioner, who is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances and by taking note of the fact as *prima-facie* recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive



Special Excise Court -1, Nawada/concerned trial court where
the case is pending in connection with Govindpur P.S. Case
No. 89 of 2022 subject to the conditions as laid down under
Section 438(2) of the Cr.P.C./Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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