

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3230 of 2025

Arising Out of PS. Case No.-30 Year-2024 Thana- Bhopatpur District- East Champaran

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Arun Kumar Kushwaha @ Arun Kumar S/o Ram Anup Kushwaha @
Ramnup Prasad R/o Village- Ahirauliya, P.S.- Bhopatpur, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

: Mr. Hemant Ray, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-02-2025 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 Bhopatpur Police Station Case No. 30 of 2024,
disclosing offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. As per the prosecution case, on 02.11.2024, during
patrolling, the informant got secret information that the
petitioner was carrying liquor in a plastic bag and was going
towards the river bank. Upon such information, the police party
proceeded towards the place of occurrence and upon seeing the
police party, petitioner started fleeing having a white plastic bag
in his hand. On chase, the plastic bag was thrown by the



petitioner near the bamboo clump and he fled away. The villagers disclosed the name of the petitioner who succeeded in fleeing away. Upon search of plastic bag, 7.560 liters of foreign liquor was recovered by the police.

4. Learned Counsel for the petitioner submits that the petitioner is having no criminal antecedent and he has been made accused on disclosure of his name by the villagers. The liquor has not been recovered from his conscious possession and/or premises belonging to him.

5. Having regard 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 the premises belonging to the petitioner, 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 Special Judge Excise Court No. 1, East Champaran, Motihari, in connection with Bhopatpur Police



Station Case No. 30 of 2024, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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