

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3148 of 2025

Arising Out of PS. Case No.-1210 Year-2024 Thana- Excise P.S. District- Aurangabad

Sonu Kumar S/O Ashok Baitha R/O Village - Anukupa, P.S- Kutumba,
District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-02-2025 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. 1210 of 2024,
disclosing offences under Sections 30(a), 32(3), 41(1), 41(2) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution story, the informant received
secret information during patrolling that illegal liquor on
motorcycles Reg. Nos.- BR26V4095, BR26G9076 and
JH14H1087 was going to Aurangabad from Hariharganj via
Kutumba via Tamsi Canal. During vehicle check, two persons
riding on motorcycle bearing Reg. No.- BR26V4095 tried to run
away. They were caught with the help of police force. They told
their names as Ankit Kumar and Pawan Kumar. As per the



information, motorcycles Reg. Nos.- BR26G9076 and JH14H1087 were seen coming from behind, but the persons sitting on the motorcycles left the motorcycles and ran away after seeing the police party. In this regard, the arrested accused told that the name of the driver of the motorcycle bearing Reg. No.- BR26G9076 as Sonu Kumar and the name of the driver of the motorcycle bearing Reg. No.- JH14H1087 as Nirbhay Kumar alias Dheeraj. During the search, total 51.84 litres of illicit foreign liquor was recovered from a sack kept between the two accused riding on the motorcycle bearing Reg. No.- BR26V4095, 51.84 litres of illicit foreign liquor was recovered from a sack tied to the seat of motorcycle bearing Reg. No.- BR26G9076 and 51.84 litres of illicit foreign liquor was recovered from the motorcycle bearing Reg. No.- JH14H1087.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and has falsely been implicated in the present case due to dirty village politics. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is the owner of the motorcycle bearing Reg. No. - BR26G9076 which was borrowed by arrested co-accused for visiting their relative's place.

5. Having regard to the submissions made on behalf



of the parties and taking into consideration the fact that petitioner had given his motorcycle to the co-accused persons for their personal work, 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. 2, Aurangabad, in connection with Excise Police Station Case No. 1210 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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