

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3747 of 2025

Arising Out of PS. Case No.-220 Year-2024 Thana- DEWARIA District- Muzaffarpur

1. Golu Kumar @ Golu @ Shubham Kumar S/o Ram Pukar Ray R/o vill - Budhanpur @ Burhanpur, P.S.- Deoria, Distt.- Muzaffarpur
2. Amod Kumar S/o Late Naval Ray @ Late Nawal Ray R/o vill - Bangra Muja @ Bangara Muja, P.s.- Deoria, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 06-03-2025 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Deoriya Police Station Case No. 220 of 2024, dated 06.10.2024, disclosing offence under Sections 274/275/3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that on 06.10.2024, in the midnight, the police got secret information that the petitioners, along with others, have brought a consignment of illicit liquor from a truck



near Chainpur Math village and were unloading it, proceeded towards the place of occurrence and saw that a Scorpio vehicle was parked, from which foreign liquor was being unloaded. The police recovered 108.864 litres of illicit liquor from the Scorpio vehicle and the accused persons, taking advantage of darkness, succeeded in fleeing away. The police also recovered 1536.84 litres of illicit liquor kept in the bush near the Scorpio vehicle.

4. Learned Counsel for the petitioners submits that the petitioners have been made accused in this case on the basis of secret information only and the vehicle and/or the premise, from which illicit liquor has been recovered do not belong to the petitioners. The petitioners have stated in paragraph 11 of this application that they are not the owners and/or driver of the vehicle and another set of illicit liquor was recovered from the bush, which is an open space.
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 vehicle and/or premises belonging to them, I am inclined to grant the petitioners privilege of anticipatory bail.



6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their 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, Muzaffarpur, in connection with Deoriya Police Station Case No. 220 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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