

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3681 of 2025

Arising Out of PS. Case No.-808 Year-2024 Thana- MAHUA District- Vaishali

Abhishek Kumar S/o- Darveshhwar Rai @ Dalweshwar Ray Village-
Abbuchak, P.S. Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 06-03-2025 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 Mahua Police Station Case No. 808 of 2024, dated 26.08.2024, disclosing offence under Sections 30(a)/32(1) (B)/41 of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that in the night of 25th August, 2024, the informant-police officer got secret information that a truck, bearing registration no. NL 01N/6649 has arrived, loaded with illicit liquor, having GPS location of Bhagwatpur, proceeded towards the place of occurrence and saw that a truck was standing. On search, 4204.725 litres of illicit liquor has been recovered from the said truck. Upon



enquiry, the police got secret information that the petitioner and others have brought the consignment of illicit liquor on the truck for its trading.

4. Learned Counsel for the petitioner submits that the petitioner is not the owner and/or driver of the truck in question and he has been made accused merely on the basis of secret information received by the police. The illicit liquor has not been recovered from the conscious possession and/or vehicle belonging to the petitioner inasmuch as the petitioner is not the owner of the vehicle, as stated in paragraph 9 of this application.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the illicit liquor has not been recovered from the vehicle owned by the petitioner and the petitioner has been made accused in this case on the basis of secret information, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner no. 1, 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, Vaishali, at Hajipur, in connection with Mahua Police Station Case No. 808 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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