

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5716 of 2025

Arising Out of PS. Case No.-227 Year-2018 Thana- NADI P.S. District- Patna

Anil Kumar Son of Raj Kumar Rai @ Ram Kumar Rai @ Raj Kumar Ray
Resident Of Village -Jethuli, Ps- Nadi, Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-03-2025 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 Nadi Police Station Case No. 227 of 2018, dated 01.11.2018, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that on 01.11.2018, the police got secret information that some persons were carrying illicit liquor and were coming from Ananya Express train and would deboard from the train near Banka Ghat Station. Upon such information, the informant, along with other police personnel, reached at the place of occurrence and saw 5-6 persons alighting from the train with bags. On chase, two



persons were apprehended, who disclosed their names as Amit Kumar and Jitendra Kumar. Other persons succeeded in fleeing away after throwing the bags containing liquor. The police recovered 58.62 litres of illicit foreign liquor from the said bags. The apprehended co-accused persons disclosed the name of the petitioner and others as the persons who fled away.

4. Learned Counsel for the petitioner submits that the petitioners is having no criminal antecedent of similar nature of offence and he has been made accused in this case on the disclosure of his name by the arrested co-accused persons, from whose possession, illicit liquor has been recovered. The petitioner was not aware about the fact that he has been made accused in the present case and when the police arrived in search of the petitioner, he filed anticipatory bail application before the learned District Court. He further submits that the illicit liquor has not been recovered from the premises and/or conscious possession of the petitioner.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the material on record, including the impugned order and the



fact that the petitioner is having no criminal antecedent and the illicit liquor has not been recovered from his conscious possession and/or premises belonging to him, 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 Exclusive Special Excise Court, Patna City, Patna, in connection with Nadi Police Station Case No. 227 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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