

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8627 of 2025

Arising Out of PS. Case No.-373 Year-2024 Thana- TILAUTHU District- Rohtas

Kamlesh Kumar Son of Ram Pravesh Rajwar Resident of Village - Rediya,
Police Station - Tilauthu, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subash Kumar
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 04-04-2025 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 Tilauthu Police Station Case No. 373 of 2024, dated 03.11.2024, 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 03.11.2024, the police got secret information that co-accused Ranjan Kumar and the petitioner have kept country-made liquor near the Tutla Bhawani New Bridge. Upon this information, the police reached near the place of occurrence and upon seeing the police, two persons started fleeing away. However, co-accused Ranjan Kumar was arrested, who disclosed the name of



the person who succeeded in fleeing away as the petitioner. The police recovered 81 litres of illicit country-made liquor kept near the Tutla Bhawani New Bridge in yellow bags.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of confessional statement disclosing the name of the petitioner by the arrested co-accused person. The liquor has not been recovered from the conscious possession of the petitioner but the same has been recovered at the instance of the arrested co-accused person from a place, which is an open space and is accessible to all.
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 conscious possession and/or 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 Exclusive Special Excise Court No. II, Rohtas, at Sasaram, in connection with Tilauthu Police Station Case No. 373 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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