

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6138 of 2025

Arising Out of PS. Case No.-309 Year-2024 Thana- GOH District- Aurangabad

Santu Kumar Son of Birju Yadav @ Birjun Yadav Resident of Village- Akoni,
P.S.- Goh, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-02-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Goh P.S. Case no. 309 of 2024 registered under section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, seeing the police personnel it is stated that one of the two accused who were coming on a motorcycle, they threw the bag containing liquor. One of the accused made an attempt to escape but was caught while the other accused managed to escape. It is stated that 30 litres of country liquor was recovered from the bag thrown by the accused. It is further stated that the accused who was caught disclosed his name as Bablu Kumar and the name of the accused who had managed to escape as the petitioner herein.



4. Learned counsel for the petitioner submits that from the contents of the F.I.R itself it would be evident that neither the petitioner was arrested at the spot nor any incriminating article recovered from his possession. Neither any bag was thrown by either of them nor any liquor recovered. It is submitted that though the petitioner had no criminal antecedent, however, subsequent to the instant F.I.R., he has been falsely implicated in one another case of similar nature.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R., no incriminating article having been recovered from the petitioner's possession, the name of the petitioner transpiring in the statement of a co-accused made before police and the petitioner not having any antecedent under the Bihar Prohibition and Excise Act, 2016 as on the date of registration of the instant F.I.R., it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Goh P.S. Case no. 309 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the
learned Special Judge Excise II, Aurangabad.

(Partha Sarthy, J)

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