

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8788 of 2025

Arising Out of PS. Case No.-189 Year-2024 Thana- Ramgarh Chowk District- Lakhisarai

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Vinod Kumar S/o Sikandar @ Lukho Mahto R/o vill - Sikandra, P.S. -
Sikandra, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-02-2025 Heard Mr. Bipin Kumar, learned counsel for the

petitioner and Mr. Gauri Shankar Gupta, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Ramgarh Chowk P.S. Case No. 189/ 2024 dated
20.10.2024 registered for the offence(s) punishable under
Section(s) 30(a) and 32 of the Bihar Prohibition & Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of 135
litres of fermented toddy from a Toto vehicle, though, the said
vehicle is registered in the name of this petitioner but
admittedly, the petitioner was not found present in the vehicle at
the time of recovery and as per the prosecution story, one
Subodh Kumar, brother of this petitioner, and another person,



Santosh Chaudhary were apprehended from the alleged Toto vehicle with the alleged fermented toddy and upon interrogation at the spot, the petitioner's brother, Subodh Kumar stated that the alleged seized toddy belonged to the co-accused, Santosh Chaudhary which was being taken by him from Sikandra to Barahiya for the purpose of selling, so, if this statement is believed then no role of this petitioner in transporting and smuggling of the alleged excise material comes into light and, accordingly, the alleged offences under the Excise Act do not attract even prima facie against this petitioner, so, his prayer is not hit by the provision of section 76(2) of the Bihar Prohibition & Excise Act and the petitioner has fair and clean antecedent and he has never remained involved in any offence relating to the Excise Act.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the aforesaid submissions advanced by the petitioner's counsel, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with



Ramgarh Chowk P.S. Case No. 189/ 2024 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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