

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9757 of 2025

Arising Out of PS. Case No.-266 Year-2024 Thana- AMBA District- Aurangabad

Kapil Kumar @ Raja Babu @ Kapil, Son of Late Madan saw, R/O Village-
Baidya Bigha, P.S-Hariharganj, District-Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Amba P.S. Case No. 266 of 2024 dated 19.11.2024 instituted for
the offence punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. The allegation is of recovery of total 720 litres spirit
from a pick-up vehicle bearing Registration No. BR-26G7230.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that the petitioner has been made
accused in this case only on the basis of confessional statement
of co-accused Jitendra Kumar Chaurasia who was apprehended
at the spot. The owner of the said vehicle is Jitendra Kumar



Chaurasia, who has been granted bail vide order dated 15.02.2025 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 88465 of 2024. The petitioner is neither the owner nor the driver of the said vehicle. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Amba P.S. Case No. 266 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge of Excise Court, No. 01, Aurangabad subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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