

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13092 of 2025**

Arising Out of PS. Case No.-85 Year-2021 Thana- RISIYAP District- Aurangabad

Saroj Kumar Son of Dhupan Paswan village- Pritampur, Ps- Barun, Dist-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 13-05-2025 As prayed for, learned counsel for the petitioner is
permitted to make necessary correction in para 1 of the petition.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. Petitioner is apprehending arrest in connection
with Risiup P.S. Case No. 85 of 2021 registered for the offence
punishable under Sections 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

4. As per prosecution case, there is alleged
recovery of 225 liters illicit liquor from the Bolero Pick-up van
in question. Apprehended accused persons Nitish Kumar and
Amerika Ram disclosed the name of the present petitioner who
is alleged to have fled away from the place of occurrence.

5. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. Petitioner is neither owner nor driver of the Bolero Pick-up van in question. He further submits that except disclosure of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Learned counsel for the petitioner submits that similarly situated co-accused Praveen Kumar Mishra has already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 39055 of 2024 and on the principle of parity, petitioner deserves the same treatment. Petitioner has criminal antecedent of two cases in which he is on bail.

6. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, argument advanced on behalf of both sides, taking into consideration the material available on record and co-accused has already been granted anticipatory bail , the petitioner, above



named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Excise II, Aurangabad in connection with Risiup P.S. Case No. 85 of 2021, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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