

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15012 of 2025

Arising Out of PS. Case No.-1210 Year-2024 Thana- Excise P.S. District- Aurangabad

Anil Mahto @ Anil Mehta Son of Meghu Mahto Resident of Village -
Ankupa, P.S. - Kutumba, District -Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 05-03-2025 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 Excise Police Station Case No. 1210 of 2024, dated 06.12.2024, disclosing offences under Sections 30(a)/32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Section 41(1)/41(2) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the the police, during patrolling, received secret information that illicit liquor is being transported on three different motorcycles which were going towards Aurangabad from Hariharganj. During vehicle check, two persons riding on motorcycle, bearing registration no. BR26V4095, tried to flee away, but were caught and on



enquiry they disclosed their names as Ankit Kumar and Pawan Kumar. As per the information, two motorcycles were seen coming from behind, but the persons sitting on the motorcycle fled away leaving the motorcycle behind after seeing the police party. In this regard, the arrested accused persons disclosed the name of driver of the motorcycle, bearing registration no. BR26G9076 as Sonu Kumar and the name of driver of the other motorcycle, bearing registration no. JH14H1087 as Nirbhay Kumar alias Dheeraj. Upon search, 51.84 liters of illicit foreign liquor was recovered from a sack kept between two accused riding on the motorcycle, bearing registration no. BR26V4095 and 51.84 liters of illicit foreign liquor was recovered from a sack tied to the seat of motorcycle, bearing registration no. BR26G9076 and 51.84 liters of illicit foreign liquor was recovered from motorcycle, bearing registration no. JH14H1087.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in the present case only because he happens to be the registered owner of the motorcycle, bearing registration no. BR26V4095.



He next submits that the motorcycle, in question, from where illicit liquor has been recovered, was taken by the arrested accused person, namely, Ankit Kumar, who is the son of the present petitioner, without any knowledge and/or consent of the petitioner and the petitioner had no knowledge about illicit liquor being kept therein. He further submits that the similarly situated co-accused persons, namely, Sonu Kumar, has been granted anticipatory bail by this Court in Cr. Misc. no. 3148 of 2025. The petitioner has got no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner happens to be the registered owner of the motorcycle, which was taken out by his son-arrested accused person, namely, Ankit Kumar, without petitioner's consent and the similarly situated co-accused person has been granted anticipatory bail by this Court, 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) each with two sureties of the like amount
each to the satisfaction of learned Special Judge of Excise
II, Aurangabad, in connection with Excise Police Station
Case No. 1210 of 2024, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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