

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24183 of 2025

Arising Out of PS. Case No.-209 Year-2021 Thana- KUTUMBA District- Aurangabad

Sonu Kumar, S/o- Vinod Singh , R/o Village- Mahesi Bigha PS-Mali District-
Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-05-2025 Heard Mr. Birendra Kumar Singh, learned Advocate
for the petitioner and Mrs. Sucheta Yadav, learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Kutumba P.S. Case No. 209 of 2021 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. The police on a secret information intercepted a
person, who was riding a motorcycle and in course of search 60
lts. of country made liquor was recovered. The petitioner is said
to be owner of the motorcycle in question.

4. Learned Advocate for the petitioner referring to the
FIR contended that the name of the petitioner has been
implicated in this case only on account of he being the owner of



the motorcycle in question. In fact, on the alleged date of occurrence, one neighbour of the petitioner took his motorcycle with consent of the wife of the petitioner on the pretext of visiting the house of some relative and later on he was apprehended by the police. The petitioner and his family members were not knowing this fact. Subsequent thereto, the petitioner came to know that his name has also been implicated in this case by showing as owner of the motorcycle without disclosing his name. The petitioner bears fair antecedent and he has never been indulged in any crime. Moreover, on the alleged date of occurrence he had been working in a private company at Delhi and neither any process has been served nor informed with regard to the pendency of the present case.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that apart from the fact the FIR has been instituted against the owner of the motorcycle, there is a specific bar of anticipatory bail under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, (for short 'the Act, 2016').

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither found present at the place of occurrence nor any



incriminating material has surfaced during investigation, much less no illicit wine has been recovered from his whereabouts and, as such, the rigors provided under Section 76(2) of the Act, 2016 does not attract in this case, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-cum-Exclusive Special Judge, Excise Court No.1, Aurangabad (Bihar) in connection with Kutumba P.S. Case No. 209 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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