

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25627 of 2025

Arising Out of PS. Case No.-37 Year-2021 Thana- FATEHPUR District- Gaya

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Ashutosh Pandey S/o Kauleshwar Pandey R/o Village - Bahadurpur, Rajauli,
P.S.- Rajauli, District -Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brijmohan Das, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-05-2025 1. Heard learned Counsel for the petitioner and learned
APP for the State.
2. This application, for grant of anticipatory bail, arises
out of Fatehpur PS case no. 37 of 2021 dated 16.02.2021,
disclosing offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act.
3. The prosecution story, as per the First Information
report, is that 25 liters of illicit mahua liquor has been recovered
from the seat of the motorcycle.
4. Learned Counsel for the petitioner submits that
petitioner has falsely been implicated in this case and he has no
concern either with the recovered liquor or with the motorcycle,
inasmuch as he has sold his motorcycle to one Rakesh Kumar
Choudhary on 18.04.2018 and sale letter has been annexed as



Annexure-2 to this petition. The petitioner is stated to be having no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and he has sold the alleged motorcycle much before the date of occurrence, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 4, Gaya in connection with Fatehpur PS case no. 37 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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