

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24623 of 2025

Arising Out of PS. Case No.-157 Year-2024 Thana- TILAUTHU District- Rohtas

Vikash Kumar, S/o Krishna Yadav, R/o Village and PO- Amoura, P.S.-
Karakat, Gorari, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Tilauthu P.S. Case No. 157 of 2024 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

3. The police on a tip off trafficking of illicit liquor conducted raid at the bank of Budha-Budhhi Ghat, Sone river and intercepted Hyundai Eon vehicle. In course of search, total 180 litres of country made liquor was recovered. The persons, who succeeded in fleeing away, whose names were disclosed by the spy as co-accused Jogendra Prasad @ Pintu Sah and Sonu Chaudhary @ Sonu Kumar.

4. Learned Advocate for the petitioner referring to the F.I.R. contended that two persons, who were found at the place



of occurrence and succeeded in fleeing away, their names have been disclosed, but it is the fact that presence of the petitioner was not even suspected. In fact, on the alleged date of occurrence, the vehicle, in question was taken by co-accused Yogendra Prasad on the pretext of visiting the house of some of the relatives and petitioner was not knowing this fact that his vehicle was used for any illegal purpose. Only on account of the petitioner being the owner of the vehicle, his name has been implicated in this case. One of the co-accused, namely, Sonu Chaudhary, against whom the entire allegation revolved around, has been accorded the privilege of anticipatory bail vide order dated 13.08.2024 in Cr. Misc. No. 57562 of 2024.

5. On the other hand, learned APP for the State opposes the bail application and submits that the use of the vehicle of the petitioner clearly speaks about his complicity. Moreover, there is a bar for anticipatory bail, as provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that during the course of investigation no material has been collected, which suggest the petitioner's complicity in the crime, coupled with the fact that one of the co-accused person in



this case has been accorded the privilege of anticipatory bail and the petitioner bears fair antecedent; all the more materials available on record does not attract the provisions under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special Excise Court No.2, Rohtas at Sasaram in connection with Tilauthu P.S. Case No. 157 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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