

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32067 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- SAHPUR District- Bhojpur

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Guddu Kumar Son of Bharat Ray R/O- Chandra Vihar Colony, Ashiyana
Nagar, P.O. and P.S.- Ashiananagar, Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ankit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Shahpur P.S. Case No. 233 of 2024 registered on 28.06.2024 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about transportation of illicit liquor in a black coloured Scorpio vehicle. The said vehicle was intercepted but the driver fled away from the vehicle and on search of the vehicle, recovery of 184.860 litres of foreign liquor was made. The name of the petitioner transpired during investigation as the owner of the said vehicle.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has no concern with the seized liquor. Petitioner has been named in this case due to registration of the vehicle in his name but there is no involvement of the petitioner in the said occurrence as petitioner was in judicial custody since 13.06.2024 to 18.07.2024 in connection with Budha Colony P.S. Case No. 295 of 2024 registered under Sections 25(1-B)a, 26 and 35 of the Arms Act. The FIR of the present case was lodged on 28.06.2024 and at the relevant time the petitioner was in custody, hence, no offence under Bihar Prohibition and Excise Act is made out against him. Petitioner is having antecedent of two cases in which he is on bail.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner is having antecedent of two cases and one antecedent of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and also taking into consideration the fact that his arraignment in some other case when the FIR



was lodged, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Bhojpur, Ara/ court concerned in connection with Shahpur P.S. Case No. 233 of 2024, subject to the condition laid down under section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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