

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26258 of 2025

Arising Out of PS. Case No.-536 Year-2022 Thana- BARAUNI District- Begusarai

Rupak Kumar, son of Ashok Paswan, Resident of village-Ward No.10,
Shokhara, Gachhi Tola, P.S.-Barauni, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the Opposite Party/s : Mrs. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Barauni P.S. Case No. 536/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of total 1004.76 liters illicit foreign liquor from Tata 407 vehicle and Bolero Pick-up vehicle in question. FIR has been lodged against the driver of Tata 407 vehicle and the owner and the driver of Bolero pick-up vehicle in question and others.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He orally submits that the petitioner is not named in



the FIR and during course of investigation, the name of petitioner transpired in this case as an owner of the Bolero Pick-up vehicle in question from which illicit liquor has been recovered. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Petitioner bears no criminal antecedent. He further submits that the petitioner had sold the said Bolero pick-up vehicle to Raushan Kumar as evident from Annexure-P/2 (sale letter dated 21.05.2022 which was prepared between the parties) and from the date of sale of aforesaid vehicle Raushan Kumar had taken all the responsibilities relating to vehicle as mentioned at Annexure-P/2 of the bail petition. In this way, the petitioner cannot be held liable for the alleged recovery from the vehicle in question. He further submits that the petitioner has no concern with the seized liquor and he is not in any way connected with the alleged occurrence. In the light of aforesaid submission, no case is made against the petitioner under the provision of Bihar Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner by submitting that there is alleged recovery of huge quantity of illicit liquor from the vehicle of the petitioner and petitioner being owner cannot



escape from the liability of such recovery from the said vehicle in question and hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no.-1, Begusarai in connection with Barauni P.S. Case No. 536/2022, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Alok Kumar Pandey, J)

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