

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30068 of 2025

Arising Out of PS. Case No.-196 Year-2024 Thana- SONBERSHA RAJ District- Saharsa

Nitish Kumar Son of Shambhu Paswan Resident of Village- Sahasram, P.S.-
GolmaThana, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ruchi Mandal

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 215-05-2025
1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Sonbarsa Raj Police Station Case No. 196 of 2024, disclosing offences under Sections 30(a), 41(1) Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on 31.10.2024, informant reported that during a vehicle checking patrol, his team received secret information about a tempo bearing Registration No. BR-19P-4299 carrying illicit liquor. Upon chase, the accused persons tried to flee and succeeded in the same. Upon searching the abandoned tempo, 50 liters of illicit liquor were recovered.

4. Learned Counsel for the petitioner submits that



the petitioner has falsely been implicated in the present case merely because he happens to be the owner of the said tempo. He next submits that illicit liquor has not been recovered from conscious possession of the petitioner but same has been recovered from the temp, in question, which was being plied on hire basis and the petitioner had no knowledge about the illicit liquor kept therein. The petitioner has got 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, he has been made accused merely on the basis of his being the registered owner of the alleged seized vehicle which was given to the driver on hire basis, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four 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 Judge (Excise)-I, Saharsa, in connection with Sonbarsa Raj Police



Station Case No. 196 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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