

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32105 of 2025

Arising Out of PS. Case No.-445 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

Dharmendra Kumar S/o Mahendra Singh Resident of Chulahi Chak, Mahabir
Tola, Rupaspur, PS- Rupaspur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Ram Krishna Nagar P.S. Case No. 445 of 2023 registered for the offence punishable under Sections 30(a), 32(ii) (iii), 41 of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 600 litre illicit country made liquor was recovered from the tempo in question and driver of the said tempo managed to escape. Hence, FIR has been registered against driver and owner of seized tempo in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He



further submits that petitioner has sold tempo in question to Prince Kumar on 12.06.2023 which is evident from Annexure-2 of the bail petition. In this way, petitioner is not held liable for the alleged recovery from tempo in question. Petitioner bears no criminal antecedent. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the 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 Special Judge,



Excise-2, Patna in connection with Ram Krishna Nagar P.S.
Case No. 445 of 2023, subject to the conditions as laid down
under Section 438(2) of Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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