

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34745 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- KUTUMBA District- Aurangabad

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Anuj Kumar Son of Lalit Yadav Resident of Village - Balha, P.S.- Pipara,
District - Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rupa Kumari

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kutumba P.S. Case No. 35/2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 34.2 liters illicit foreign liquor from the motorcycle in question.

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 his name has been surfaced in this case during course of investigation as the owner of the said motorcycle. He



further submits that the petitioner has given the said motorcycle to co-accused Niranjan Yadav and he has misused the same and the petitioner cannot be held liable for the alleged occurrence. The petitioner bears no criminal antecedent. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. He further submits that there is no compliance of Section 103 of the B.N.S.S. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

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

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 Special Judge, Excise



Court No.1st, Aurangabad in connection with Kutumba P.S.
Case No. 35/2025, subject to the conditions as laid down under
Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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