

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32330 of 2025**

Arising Out of PS. Case No.-358 Year-2025 Thana- Excise P.S. District- Aurangabad

Nitish Kumar S/o- Sudeshwar Yadav Resident Vill- Kuramaha Deuria PS-
Jamhor Dist- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Adarsh Singh

For the Opposite Party/s : Mr.Akbar Ali

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 26-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Aurangabad Excise P.S. Case No. 358 of 2025 registered for the offence punishable under Sections 30(a), 32(3) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, 48.240 litre illicit foreign liquor was recovered from the motorcycle in question and one person managed to escape from the spot. Hence, FIR was registered against owner and driver of 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 and he has falsely been implicated in this case. He



further submits that petitioner is not named in the FIR and during course of investigation name of the petitioner surfaced in this case being owner of the motorcycle in question. Learned counsel orally submits that motorcycle has been taken by the co-villager and later on, petitioner came to know that said motorcycle has been misused for carrying illicit liquor. Petitioner bears no criminal antecedent. 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 Exclusive Special Judge, Excise Court-II, Aurangabad in connection with Aurangabad Excise P.S. Case No. 358 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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