

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32139 of 2025

Arising Out of PS. Case No.-106 Year-2025 Thana- Excise P.S. District- Aurangabad

Nagendra Kumar S/o Late Satyanarayan Singh @ Late Satyanarayan Yadav
R/o Village- Phesar, P.S.- Phesar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Excise P.S. Case No. 106 of 2025 (G.R. No. 171 of 2025) registered for the alleged offence under Sections 30(a), 3293) of Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, two persons riding a motorcycle were apprehended during checking of vehicles. They were found in inebriated condition and from the polythene kept between them, one liter of country made *chulai* liquor was recovered. The petitioner is stated to be the owner of the motorcycle.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case merely because he is a registered owner of the motorcycle. The petitioner has no concern with the seized liquor. The motorcycle was given to the elder brother of the petitioner who went to purchase some household articles and he was arrested and recovery was shown from the motorcycle. Nothing incriminating has been recovered from the person or possession of this petitioner and no offence under the provisions of Bihar Prohibition & Excise Act is made out. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner and the fact that no recovery has been shown from the petitioner and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act-II, Aurangabad in connection with Excise P.S. Case No. 106 of 2025 (G.R. No.



171 of 2025) subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

07. However, before accepting the bail bond of the petitioner, the learned trial court would verify his criminal antecedent. If it is found that the petitioner bears criminal antecedent, his bail bond will not be accepted.

(Arun Kumar Jha, J)

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