

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40217 of 2025

Arising Out of PS. Case No.-170 Year-2025 Thana- Excise P.S. District- Siwan

Tarkeshwar Kumar Kushwaha S/o Ramchandra Singh Kushwaha R/o Village-
Mairwa Tola Mahuabari, P.S.- Mairwa, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-06-2025 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 1.150 litres illicit liquor was recovered from the seized motorcycle of which this petitioner is registered owner.

4. Learned counsel for the petitioner submits that no incriminating material has been recovered from conscious possession of the petitioner. Petitioner has been made accused merely because he is owner of the motorcycle in question. He further submits that from perusal of the seizure list, it is apparent that 400 ml of the total alleged liquor was recovered from the possession of co-accused Satyendra Ram and rest 750



ml was recovered from the towel of co-accused Dinesh Singh. Nothing has been recovered from the motorcycle of this petitioner and as such, he cannot be held liable for the alleged recovery. Petitioner claims clean antecedent.

5. Considering clean antecedent and the fact that no incriminating article has been recovered from possession of the petitioner, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, Excise Court No. II, Siwan in connection with Siwan Excise P. S. Case No. 170 of 2025, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

