

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32523 of 2025

Arising Out of PS. Case No.-168 Year-2025 Thana- BODHGAYA District- Gaya

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Biku Kumar @ Viku Kumar S/o Vijay Singh @ Vijay Kumar Singh R/o vill -
Tikabigha, P.S- Bodhgaya, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Bodhgaya P.S. Case No. 168 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is alleged recovery of 2 liters of illicit beer from the house of the petitioner. Petitioner and others are said to have been involved in selling illicit liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. It is submitted that the alleged recovery has been made from the joint house and petitioner cannot be held liable for the alleged recovery. No incriminating article has been



recovered from possession of the petitioner. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of I/c Exclusive Special Judge, Excise-I, Gaya in connection with Bodhgaya P.S. Case No. 168 of 2025, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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