

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34872 of 2025**

Arising Out of PS. Case No.-292 Year-2024 Thana- KHAJAU LI District- Madhubani

Durganand Ram S/O Bilat Ram R/O Village- Sukki, Maina Sukki, P.S.-  
Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashad

For the Opposite Party/s : Mr.Ramchandra Sahn i

**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 G.R. No. 1783 of 2024 arising out of Khajauli P.S. Case No.292 of 2024 registered for the offences punishable under Sections 274, 275 of BNS 2023 and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged recovery of 45 litre Nepali liquor from the motorcycle in question bearing registration no. BR-32AJ-2797 and co-accused, Kamlesh Kumar, was apprehended at the spot.

4. Learned counsel for the petitioner orally submits that petitioner is not named in the FIR and his hame



has been transpired in the present case as owner of the motorcycle in question. Learned counsel orally submits that petitioner has given his motorcycle to his son, Kamlesh Kumar, who has misused the motorcycle for carrying the illicit liquor and petitioner cannot be held liable for the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner bears criminal antecedent of one case in which he is already on bail. There is no compliance of Section 103 of BNSS. In the light of 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, 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 Addl. Session/District Judge-IIInd-cum-Special Judge, Excise Act, Madhubani in connection with Khajauli P.S. Case No.292 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

**(Alok Kumar Pandey, J)**

vashudha/-

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