

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35213 of 2025

Arising Out of PS. Case No.-479 Year-2024 Thana- SIRDALA District- Nawada

Prakash Kumar S/O Jagannath prasad Resident of village- Chaugawan, PS-
Sirdalla, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Renuka Ratnakar (App 125)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sirdalla P.S. Case No. 479 of 2024 registered for the offence punishable under Section 30(a), 41 of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 4.500 litre illicit foreign liquor was recovered from motorcycle in question and co-accused Ranjit Kumar was apprehended on the spot. FIR has been registered against co-accused Ranjit Kumar and owner 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.



Learned counsel further submits that petitioner is not named in the FIR and during course of investigation name of the petitioner has been surfaced in this case as owner of the motorcycle in question. He further submits that alleged occurrence took place on 28.12.2024 and petitioner has sold the motorcycle in question to one Gautam Kumar on 09.05.2024 i.e. much prior to the alleged occurrence which is evident from Annexure-2 to the bail petition and hence, petitioner cannot be held responsible for the alleged recovery. Petitioner bears no criminal antecedent. He further submits that 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 Excise Court-1, Nawada in connection with Sirdala P.S. Case No. 479 of 2024, 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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