

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35264 of 2025

Arising Out of PS. Case No.-676 Year-2023 Thana- SAKRA District- Muzaffarpur

Nand Kishor Kumar, aged about 31 years, Male, Son of Bhola Ray, Resident of Village- Sujawalpur, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the Opposite Party : Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Sakra P.S. Case No. 676 of 2023 dated 18.12.2023 of the offences punishable under Sections 30(a), 32(1)(2), 36 and 41(1) of the Bihar Prohibition and Excise (Amendment) Act 2022.

3. As per the prosecution case, total 990.720 of illicit foreign liquor was recovered from the two Bolero vehicles and the bush at *Bishunpur Murar Samshan Ghat*.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not arrested on the spot. No



incriminating article has been recovered from the possession of the petitioner. It is further submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case during the course of investigation as the petitioner is the owner of one of the Bolero vehicles bearing Registration No. BR11H 9701 from which total 216 litres of foreign liquor was recovered by saying that the petitioner had purchased the said Bolero vehicle from the registered owner. It is further submitted that the petitioner had given the said vehicle to his co-villager, namely, Rambabu, for taking away of his ill wife to the doctor for her treatment at Muzaffarpur on 17.12.2023. The petitioner had no knowledge about the alleged seized liquor and he has no concern with the alleged offence. There is no statutory compliance of Section 103 of the B.N.S.S., 2023. The said co-accused Rambabu was arrested on the spot but he did not name the petitioner. The other co-accused persons, namely, Amarjeet Kumar and Sonu Chaurasiya @ Sonu Kumar have already been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 17841 of 2024 with Cr. Misc. No. 17843 of 2024 vide order dated 07.03.2024, annexed as Annexure-2 to the present bail petition. The petitioner has clean antecedent as stated at para 3 of the bail petition.



5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. 1, Muzaffarpur, in connection with Sakra P.S. Case No. 676 of 2023, subject to conditions as laid down under section 482(2) of the B.N.S.S., 2023.

7. This application stands allowed.

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(Chandra Prakash Singh, J)

