

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34082 of 2025

Arising Out of PS. Case No.-230 Year-2024 Thana- KISHANPUR District- Supaul

Anuj Kumar son of Yogendra Yadav R/o Gadhiya, Ward No.8, P.S-
Bhaptiyahi, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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 Kishanpur P.S. Case No. 230/2024 registered for the offences punishable under Sections 317 (5), 132 of the B.N.S.S. and sections 45, 48, 52 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the informant received secret information that co-accused Anil Kumar Mehta and the present petitioner sent two persons on stolen motorcycle without having number and plate for purchasing big consignment of wine near Manjhari Chowk. The police intercepted the said motorcycle and apprehended two persons namely Rakesh Kumar and Lochan Kumar. On demand they did not produce



any papers regarding the said bullet motorcycle and on search near about Rs.6,00000/- (six lakhs) was recovered from the bag of pillion rider Lochan Kumar. Apprehended co-accused persons disclosed the name of petitioner and other who are said to have given the said amount to apprehended co-accused for purchasing the illicit wine.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner bears no criminal antecedent. He further submits that the petitioner is not named in the FIR and his name has been surfaced in this case on the basis of confessional statement of apprehended co-accused Lochan Kumar and Rakesh Kumar. Except confessional statement, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. He further submits that the petitioner has inimical terms with the said apprehended co-accused and he has falsely been implicated in this case. The petitioner is not the owner of the said bullet motorcycle. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the said recovered money. In the light of the aforesaid facts and circumstances of the case, no case is made out against the



petitioner under the aforesaid sections.

5. The learned A.P.P. for the State opposed 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 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 the learned Exclusive Special Judge, Excise Court No.01, Supaul in connection with Kishanpur P.S. Case No. 230/2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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