

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35289 of 2025

Arising Out of PS. Case No.-89 Year-2025 Thana- KAUWAKOL District- Nawada

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Dukhharan Turiya S/o- Yamuna Turia Resident of Vill- Daniya, P.S.-
Kawakol, Dist- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs. Asha Kumari, APP

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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 Kawakol P.S. Case No. 89/2025 registered for the offences punishable under Sections 30(a)/37 of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 27 liters foreign liquor alongwith 17.500 liters beer from the motorcycle bearing Registration No. JH-11AP-0990, 22.500 liters foreign liquor from hero splendor motorcycle without registration number and 27 foreign liquor from Hero splendor motorcycle bearing Registration No.JH-12A-3221. Apprehended co-accused Sadhu Turia disclosed the name of the petitioner who fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. The petitioner bears no criminal antecedent. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not the owner of the motorcycles seized from the place of occurrence. The petitioner is not in any way connected with the alleged occurrence. Seizure list has not been prepared as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

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 learned Court of learned Exclusive Special Judge, Excise-2, Nawada/successor Court in connection with Kawakol P.S. Case No. 89/2025, 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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