

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42540 of 2025

Arising Out of PS. Case No.-493 Year-2023 Thana- GARDANIBAG District- Patna

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Ashutosh Kumar S/O Bhola Nath Pathak Resident of Village- J.K.S E/39,
New Devi Asthan, Old Jakkanpur, P.S- Jakkanpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 13-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Gardanibagh P.S. Case No. 493 of 2023 for the offence registered under Sections 30 (a) and 34 of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, total 2 litres of country made liquor recovered from the Scooty. It is alleged that the petitioner is the registered owner of the seized Scooty.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case being the registered owner of the seized vehicle in question. He has no concern with the seized liquor. There is no incriminating article recovered from the conscious possession of



the petitioner. Petitioner was not present at the place of occurrence. Co-accused Mahesh Prasad had taken the scooty from the petitioner who was arrested on the spot. Petitioner had no knowledge about the misuse of the scooty by the co-accused Mahesh Prasad. Petitioner has one criminal antecedent in which he is on bail. Petitioner undertakes to cooperate in the investigation of this case.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court, Patna where the case is pending in connection with Gardanibagh P.S. Case No. 493 of 2023, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Sunil Dutta Mishra, J)

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