

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35233 of 2025

Arising Out of PS. Case No.-70 Year-2025 Thana- KOCHAS District- Rohtas

Sunil Kumar Rai Son of Birendra Rai (But wrongly typed 60 years years in place of 30 years, it may be treated as aged about - 30 years), Resident of Village - Bharkhar, P.S.- Mohaniya, District - Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Mr.Akbar Ali

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 Kochas P.S. Case No. 70 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018/2022.

3. As per prosecution case, 3.240 litre illicit foreign liquor was recovered from dickky of motorcycle in question and co-accused Manji Ram was apprehended on the spot. FIR has been registered against co-accused Manji Ram 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 orally 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 petitioner has already sold the said motorcycle to co-accused Manji Ram on 11.09.2021 much prior to the alleged occurrence which is evident from annexure-2 to the bail petition and petitioner cannot be held responsible for the alleged recovery. Petitioner bears criminal antecedent of one case in which he is on bail. 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, 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 Judge, Excise Court No. 2, Rohtas at Sasaram in connection with Kochas P.S. Case No. 70 of 2025, 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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