

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34942 of 2025

Arising Out of PS. Case No.-456 Year-2022 Thana- GOPALPUR District- Bhagalpur

Anshu Kumar @ Krishan Kant Kumar S/o- Suresh Prasad Singh Resident of
Village- Pakra Police Station- Naugachia, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nand Kishore Prasad, 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. Petitioner is apprehending arrest in connection with Gopalpur (Rangra) P.S. Case No. 456 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, during course of vehicle checking at Chapad More, Rangra Check Post, N.H. 31 there is alleged recovery of 195.120 liters illicit liquor from the tempo in question

4. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. During course of investigation one Gulshan Kumar was apprehended who disclosed the name of the present petitioner before the police



which has no evidentiary value in the eye of law. Except disclosure of co-accused Gulshan Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is not the owner of the seized tempo in question. No incriminating article has been recovered from possession of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Learned counsel has filed a supplementary affidavit stating that in the main petition it was inadvertently mentioned that petitioner has no criminal antecedent, as a matter of fact, petitioner has criminal antecedent of one case i.e. Naugachia P.S. Case No. 107 of 2023, in which he is already on bail.

5. The learned A.P.P. for the State vehemently 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of Additional Sessions Judge IX, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 456 of 2022, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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