

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36166 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- TETERHAT District- Lakhisarai

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Ajay Kumar Rao @ Ajay Rao S/O Bhagwan Prasad @ Bhagwan Prasad Rao
R/O Village- Ghorparan, P.S- Laxmipur, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-06-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Tetarhat Police Station Case No. 28 of 2025, dated 21.02.2025, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, during vehicle check, saw four persons, including the driver coming on a tempo and some articles was kept in the back side of the tempo in a sack and signalled them to stop, but the persons, present on the tempo, tried to flee away, but the police apprehended the driver and one another person, while the other two persons succeeded in fleeing away. The apprehended



persons disclosed the names of the persons who succeeded in fleeing away as Tuntun Kumar and Tripurari Kumar. On search of the sack, the police recovered 55.75 litres of illicit liquor.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely because he happens to be the registered owner of the tempo in question. He further submits that the petitioner had purchased the tempo in question from a finance company, Hinduja Layland Finance, in the year 2017 and owing to the fact that he did not pay the instalment of the said vehicle, the finance company seized the tempo on 21.09.2020. He further submits that the petitioner has no concern with either the seized illicit liquor and/or the seized vehicle and he has got no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and he has been made accused on the basis of being the first registered owner of the vehicle, which was seized by the finance company in the year 2020 itself, I am inclined to



grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II, Lakhisarai, in connection with Tetarhat Police Station Case No. 28 of 2025, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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