

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35274 of 2025

Arising Out of PS. Case No.-378 Year-2025 Thana- Excise P.S. District- Aurangabad

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Ashok Kumar Verma S/o Nageshwar Singh R/o Vill- Shivpuri Dihri, Deuria,
P.S.- Fesar, Distt- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aman Vishal, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, 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 Excise P.S. Case No. 378/2025 registered for the offences punishable under Sections 30(a) 32(3) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 03 liters IMFL inside the dicky 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. The petitioner is not named in the FIR and his name has been surfaced in this case during course of investigation as the owner of the said motorcycle. He orally submits that co-



accused Nitish Kumar apprehended on the spot, who is the son of the petitioner and he had taken the said motorcycle and misused the same. The petitioner had no knowledge regarding illicit liquor which was kept in dicky of the said motorcycle. In this context, the petitioner cannot be held liable for the alleged occurrence. He further submits that the petitioner has never indulged in the business of illicit liquor. 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. 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 Special Judge, Excise-IIInd, Aurangabad in connection with Excise P.S. Case No. 378/2025, 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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