

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34876 of 2025

Arising Out of PS. Case No.-168 Year-2025 Thana- AKBARPUR District- Nawada

Kamlesh Kumar S/o Late Anandi Prasad Resident of Village- Fatehpur, Police
Station- Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Ms.Pushpa Sinha, 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 Akbarpur P.S. Case No. 168 of 2025 registered for the offences punishable under Sections 30(a)/41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of 284 liters illicit country made liquor from two motorcycles in question. The apprehended co-accused Guddu Kumar disclosed the name of the petitioner who is said to have fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report. Petitioner is not in any way



concerned with the motorcycles in question which were seized from the place of occurrence. Except disclosure of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is on inimical terms with the apprehended co-accused and therefore he has been falsely implicated in the present case. No incriminating article has been recovered from possession of the petitioner. Seizure list has not been made as per law. Petitioner bears criminal antecedent of one case in which he is already on bail. 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.

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 Exclusive Special Excise



Court No. I, Nawada in connection with Akbarpur P.S. Case No. 168 of 2025, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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