

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35297 of 2025

Arising Out of PS. Case No.-373 Year-2021 Thana- BIKRAM District- Patna

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Sunil Kumar Jha @ Sunil Kumar Ojha @ Sunil Kumar S/o Sarju Kant Jha
Resident of Village/ Mohalla- Bhuli, D Block, Sector 01, Quarter No. 67,
P.S.- Bhuli Nagar, Distt- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Shaheen Begum, 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 Bikram P.S. Case No. 373/2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 319.215 liters foreign liquor from the Tempo in question. Apprehended co-accused Adarsh Kumar @ Deepak Kumar disclosed that the said consignment of illicit liquor was being given to co-accused Rajesh Kumar @ Takla at the behest of co-accused Pintu Kumar.

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 Tempo. He further submits that the petitioner had sold the said Tempo to Sandeep Kumar Shankar on 01.09.2021 and the copy of sale letter dated 01.09.2021 is annexed as Annexure-P/2 of this petition. He further submits that occurrence took place on 29.12.2021 after selling of the said Tempo. 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. The petitioner is not in any way connected with the alleged occurrence. 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 Court of learned Special Excise Judge, Danapur in connection with Bikram P.S. Case No. 373/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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