

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38642 of 2025

Arising Out of PS. Case No.-274 Year-2025 Thana- Excise P.S. District- Aurangabad

Prem Kumar S/o Suryadev Yadav R/o Vill- Chapura Tola, Narayana, P.S.-
Aanti, Distt- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-06-2025 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 Excise Police Station Case No.274 of 2025,
disclosing offences under Section 30(a) and 32(3) of the Bihar
Prohibition and Excise (Amendment) Act, 2018 and Section 37
of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, during vehicle
check, the informant intercepted a motorcycle with three
persons, namely, Md. Asif Ansari (rider), Shravan Kumar, and
Sonu Kumar, all of whom smelled of alcohol and were tested
intoxicated. Upon search of the Hero Splendor Plus bearing
Reg. No. BR26Z7786, four bottles of Indian Made Foreign
Liquor (IMFL) totaling 1.5 litres was recovered.



4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of suspicion. He has been made accused merely on the basis of his being the registered owner of the alleged seized motorcycle, which he had given to his nephew for some personal use. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel next submits that he has neither been named in the F.I.R. nor was present at the alleged place of occurrence. The petitioner is having no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and he has been made accused on the basis of his being the registered owner of the alleged seized motorcycle which he had given to his nephew for some personal use, 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 Special Judge, Excise,
Second, Aurangabad, in connection with Excise Police Station
Case No.274 of 2025, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure/Section
482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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