

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39554 of 2025

Arising Out of PS. Case No.-196 Year-2025 Thana- BEGUSARAI TOWN District- Begusarai

1. Avinash Kumar @ Avinash Ram Son of Mahesh Ram Resident of Village- Mirgang Patel Chauk Ward No. 31, P.s.- Town, Distt.- Begusarai
2. Vivek Kumar Son of Mahesh Ram Resident of Village- Mirgang Patel Chauk Ward No. 31, P.s.- Town, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-07-2025 Vide order dated 24.06.2025, the petition regarding petitioner no. 2, Vivek Kumar was dismissed as withdrawn by this Court.

2. Heard learned counsel appearing on behalf of the petitioner no. 1 and learned A.P.P. appearing on behalf of the State.

3. The petitioner no. 1 apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

4. As per prosecution case, 20 litres of country made liquor was recovered from a hut and the petitioner is said to have fled away from the spot after seeing the police.

5. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner no. 1 is quite innocent and has committed no offence. No incriminating article has been recovered from conscious possession of this petitioner and he



has falsely been implicated in this case merely on suspicion. The alleged illicit liquor has been recovered from an open place, which is accessible to one and all. Petitioner no.1 claims clean antecedent.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner no. 1.

7. Considering the nature of accusation, fact that no incriminating article has been recovered from conscious possession of this petitioner and clean antecedents, the prayer for grant of anticipatory bail to the petitioner no. 1 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner no. 1 be enlarged 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 Judge I, Begusarai in connection with Town P.S. Case No. 196 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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