

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48560 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- CHOUTARWA District- West Champaran

Birendra Patel @ Birendra Kumar Kurmi S/O Late Jiut Patel @ Chaudhary
Village- Ahirwaliya PS- Chautarwa, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 14-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Chautarwa P.S. Case No. 59 of 2025, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. There is recovery of 41.850 litres of foreign liquor from an Alto Car bearing Registration No. UP75J 8203. Driver of the car fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case on the basis of confessional statement of co-accused Piyush Kumar that petitioner and co-accused Sikander Yadav are the owner of the vehicle in question. It is further submitted that



petitioner is neither owner of the vehicle nor he has any concern with the seized liquor. He was not driving the vehicle. He has no concern with the co-accused persons. Co-accused Piyush Kumar has stated that he had purchased the said vehicle from one Md. Alham. There is no incriminating material against the petitioner to implicate him in this case. Petitioner was not present on the spot. No *prima facie* case is made out against the petitioner. Petitioner has no criminal antecedent. Petitioner undertakes to co-operate in the investigation and trial. Similarly situated co-accused, namely, Sikandar Yadav has already been granted anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 20.06.2025 passed in Cr. Misc. No. 36288 of 2025.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the Petitioner, above-named, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Bagaha, West



Champaran in connection with Chautarwa P.S. Case No. 59 of 2025, subject to the conditions laid down in Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita (B.N.S.S.), 2023.

(Sunil Dutta Mishra, J)

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