

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49349 of 2025

Arising Out of PS. Case No.-141 Year-2024 Thana- TANDWA District- Aurangabad

Ashutosh @ Ashutosh Kumar S/O Brij Bihari Resident of P97 Dhwaj Nagar,
Road No. 17, P.S- VKI Jaipur, District- Jaipur, Rajsthan. Permanent Address-
R/O Village- Semra, P.S- Dimara, Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 06-08-2025 Heard Mr. Binod Kumar Pandey, learned counsel
for the petitioner and Mr. Rajendra Nath Jha, learned APP for
the State.

2. The instant application for anticipatory bail has
been filed by the petitioner apprehending his arrest in
connection with Tandwa P.S. Case No. 141 of 2024 instituted
for the offence under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The case of the prosecution is that from a bike
altogether, 25 liters of country made liquor was recovered. No
one was apprehended. Petitioner has been named in this case as
he is the owner of the said bike.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has submitted that he has handed over his bike to his brother Ashutosh and Ashutosh has filed an Informatory Petition before SDM, Dehri to the effect that he has handed over his bike to his nephew and someone has stolen the bike. Learned counsel for the petitioner has also submitted that this informatory petition was given on 22.02.2024 whereas the occurrence is of 11.12.2024 the information of the theft was given much prior to the occurrence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Tandwa P.S. Case No. 141 of 2024, he will be enlarged on 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 Special Judge Excise-II,
Aurangabad subject to the conditions as laid down under section
438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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