

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52423 of 2025

Arising Out of PS. Case No.-436 Year-2023 Thana- FATEHPUR District- Gaya

Subhash Prasad, S/o Balmukund Prasad Yadav, resident of Village - Purni
Bathan , P.S.- Fatehpur, District -Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection Fatehpur P.S. Case No.436 of 2023 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 10 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel that the petitioner has been implicated with present case for the reason that he is the owner of seized motorcycle bearing Registration No.BR02T-4724, which was found carrying



alleged illicit liquor. It is submitted that in fact petitioner provided his motorcycle to his own brother for purchasing medicine but same was misused and, therefore, in want of knowledge, it can be safely said that recovery was not made from conscious physical possession of the petitioner. It is submitted that the petitioner found involved in one more criminal case of different nature, where he is on bail

5. Learned APP opposed the prayer for anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor *prima facie* appears doubtful from conscious physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released 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 the learned Exclusive Special Excise Court No.- IV, Gaya in connection with Fatehpur P.S. Case No.436 of 2023, subject to the conditions as laid down under Section



438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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