

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55488 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- BAIRGACHHAI District- Araria

Sonu Kumar, Gender-Male, aged about 27 years, S/o Bhageran Mahto, R/o Village- Chera Kala, Ward No. 10, Police Station- Gorel, Dist- Vaishali (Bihar) and presently residing at M/s Sona Wheels Private Limited, 3rd Mile Sewak Road, P.S.- Check Post, Distt- Darjeeling, West Bengal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Sanjay Kumar Sharma and Kumar
Ravish, Advocates
For the Opposite Party : Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bairstachhi P.S. Case No. 108 of 2024 dated 29.11.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 1018.500 litres of illicit foreign liquor was recovered from the Pick-up vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not arrested on the spot. It is submitted that no incriminating article has been recovered from



the possession of the petitioner. The name of the petitioner has surfaced in the present case only on the basis of the confessional statement of the apprehended co-accused persons Rambabu Kumar and Ajeet Kumar which has got no evidentiary value in the eyes of law. It is further submitted that the seized Pick-up vehicle from which the illicit foreign liquor was recovered is registered in the name of the petitioner but prior to the alleged offence, the petitioner had already sold the said Pick-up vehicle to one Arvind Kumar on 16.11.2024 and the sale agreement of the said vehicle is annexed as Annexure-P/2 to the present anticipatory bail petition but the said vehicle could not be transferred in the name of Arvind Kumar due to some installments of the said vehicle loan was unpaid. There is no statutory compliance of Section 105 of the B.N.S.S., 2023. It is further submitted that the other co-accused persons, namely, Rambabu Kumar @ Rambabu Paswan and Ajit Kumar @ Ajeet have already been granted regular bail by a Bench of this Court in Cr. Misc. No. 1792 of 2025 vide order dated 19.02.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, the petitioner, above named, in the event of his arrest or surrender within a period of six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-1, Araria in connection with Bairgachhi P.S. Case No. 108 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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