

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54528 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- Excise Benipatti District- Madhubani

Om Prakash S/o- Bindeshwar Das Resident of Atoran Chowk Ward No.5
Bahadurpur Police Station- Sahpur Patori, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 19-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
under Sections 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of
14.850 litres of illicit liquor from the scooty of the petitioner.
Two persons apprehended on the spot namely, Rahul Kumar and
Sahil Kumar.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case being the owner of the seized vehicle. Further submission
is that on the alleged date of occurrence, the vehicle in question
was taken by the brother-in-law of the petitioner, namely, Rahul
Kumar for going to his village since his father was seriously ill
and petitioner, in good faith, had given his scooty to his brother-



in-law but without knowledge and consent of the petitioner, his vehicle was being used for transportation of illicit liquor. It is submitted that petitioner has no concern with the seized illicit liquor and nothing has been recovered from the conscious possession of the petitioner. Petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and trial.

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

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 be released on bail upon 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 Judge (Excise Court), Madhubani in connection with Benipatti Excise P.S. Case No. 47 of 2025 (G.R. No. 279 of 2025), subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023.

(Sunil Dutta Mishra, J)

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