

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61564 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- MATIHANI District- Begusarai

Om Prakash Kumar S/o Manoj Kuwar R/o Village- Maniyapa, P.S.-
Begusarai, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2025 Learned counsel for the petitioner is permitted to make
necessary correction in para 16 of the bail petition.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Matihani P.S. Case No. 120 of 2025 registered for
the offences punishable under Section 317(2), 3(5) of B.N.S.S and
section 30(a) of Bihar Excise and Prohibition Act.

4. As per prosecution case, 294 litre illicit liquor was
recovered from the Toyota Car bearing registration no. WB-06G-6045
which was parked in a albester shed near the house of the petitioner.

5. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged in the
FIR and he has falsely been implicated in this case. Learned counsel
submits that petitioner is not the owner of the Toyota car in question.



The place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. In the light of aforesaid facts and circumstances, no offence is made out against the petitioner.

6. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 Exclusive Special Excise Judge-I, Begusarai in connection with Matihani P.S. Case No.120 of 2025 subject to the conditions as laid down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

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