

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61838 of 2025

Arising Out of PS. Case No.-212 Year-2025 Thana- Daudnagar Excise District- Aurangabad

Santosh Kumar S/o- Dinesh Chauhan Village- Sonhathu, PO- Sonhathu, PS-
Haspura, Dist. Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise (Daudnagar) P.S. Case No. 212 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 5 litre country made liquor was recovered from the motorcycle in question and one person managed to escape from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Learned counsel orally submits that petitioner is not named in the FIR and during course of investigation, his name has been transpired in this case as owner of the motorcycle in



question. He further submits that petitioner parked his motorcycle and went for some work, meanwhile police came and confiscated his motorcycle and filed a false case by showing that liquor was recovered from the motorcycle. Petitioner bears criminal antecedent of one case in which he is on bail and due to criminal antecedent of the petitioner, he has been falsely implicated in this case. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, 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 Special Judge,
Excise-II, Aurangabad in connection with Excise (Daudnagar)
P.S. Case No. 212 of 2025, subject to the conditions as laid
down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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