

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57594 of 2025

Arising Out of PS. Case No.-453 Year-2023 Thana- KAUWAKOL District- Nawada

Sandeep Kumar S/o- Kuleshwar Mahto, Resident of Village - Atari,P.S. -
Dhamaul O.P., Dist- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Kawakol P.S. Case No.453 of 2023 instituted under Sections 30(a), 41 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 1000 litre country made *mahua* liquor from one Tata Magic vehicle bearing Registration No. BR-21E-5660. The apprehended co-accused disclosed the name of petitioner that he has to supply the said liquor to the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case with ulterior motive. He further submits that the petitioner has no concern either with the seized liquor or vehicle or the co-accused. Learned counsel submits that except the disclosure statement of co-accused, there is no material against the petitioner. He further submits that petitioner was neither driver nor owner of the alleged



seized vehicle and he was not present on the spot. Learned counsel submits that similarly situated co-accused, namely, Raj Kumar @ Raj Kumar Saw had already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 20.07.2024 passed in Cr. Misc. No.41888 of 2024. He further submits that petitioner has one criminal antecedent, which does not belong to Excise Act 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 aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court 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 Excise Court No.2, Nawada in connection with Kawakol P.S. Case No.453 of 2023, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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