

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60235 of 2025

Arising Out of PS. Case No.-1142 Year-2024 Thana- Excise P.S. District- Purnia

Ashish Kumar @ Ashish Kr. Singh S/O Bablu Prasad Singh R/O Village-
Ward No.-04, Madhukar Chak Parmanandpur, P.S- Madhepura, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Purnia P.S. Case No. 1142 of 2024 registered for the offences punishable under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 141.975 litre foreign liquor was recovered from the Car in question.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in this case as the owner of the said car in question. He further submits that petitioner used to rent the said car in question and driver of the alleged car has misused the same. Hence, petitioner



cannot be held liable for the alleged recovery. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears criminal antecedent of two cases in which he is on bail.

5. The learned A.P.P. for the State 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, Purnia - 02 in connection with Purnia P.S. Case No. 1142 of 2024, subject to the conditions as laid down under Section 482 (2) of BNSS.



7. The application stands allowed.

(Alok Kumar Pandey, J)

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