

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61555 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

Sunil Gupta @ Sunil Kumar Gupta @ Sunil Sah @ Sunil Prasad @ Sunil Prasad Sah S/o- Banarsi Sah R/o- Semari Tola Ps-Turkauliyua Dist- Motihari (East Champaran)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

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 Vishambharpur P.S. Case No. 117 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 957.600 litre illicit liquor was recovered from Bolero Pick-up van in question. It is alleged that apprehended co-accused Md. Islam (driver) and Mintu Kumar Verma disclosed that alleged liquor and seized vehicle belong to the petitioner and co-accused Rabindra Singh.

4. Learned counsel for the petitioner submits that except disclosure of apprehended co-accused persons, there is



nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner is not the owner of the seized vehicle in question. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery. 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 one case 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 Additional Sessions Judge – IV cum Exclusive Special Judge, Court-II, Gopalganj in connection with Vishambharpur P.S. Case No. 117 of 2025, 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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