

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60394 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- MIRGANJ District- Gopalganj

Om Prakash Tiwari S/o- Rakesh Tiwari @ Raka Tiwari Village- Saahewachak
Ps- Mirganj Dist- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Deepankar Raj

For the Opposite Party/s : Mr.Kanhiya Kishor

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 Mirganj P.S. Case No. 165 of 2025 registered for the offence punishable under Section 317(5) of BNS and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 44 litre country made liquor was recovered from motorcycle in question and apprehended co-accused Risabh Kumar disclosed the name of petitioner, who fled away from the spot.

4. 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.



Petitioner bears no criminal antecedent. He further submits that motorcycle in question is registered in the name of wife of the petitioner and co-accused Risabh Kumar is neighbour of the petitioner and wife of the petitioner gave motorcycle to co-accused Risabh Kumar in good faith but said co-accused misused the said motorcycle in carrying the illicit liquor. He further submits that except disclosure of apprehended co-accused person, there is nothing on record to connect the present petitioner with the alleged occurrence. 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, keeping in view clean antecedent of the 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 Additional District and Sessions Judge-IV-cum Exclusive Special Excise court No. II, Gopalganj in connection with Mirganj P.S. Case No. 165 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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