

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65922 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- SURSAND District- Sitamarhi

Chhotu Kumar S/O Lalbabu Das R/O Village- Rasulpur, P.S.- Bajpatti,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Murari

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Sursand P.S. Case No. 40 of 2024 registered for the offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution story, on 14.01.2024 at around 10:10 AM, Sub-Inspector Indradev Prasad of Sursand Police Station was on patrol and received information that a motorcycle belonging to NH-87 Shiv Traders had collided with a wall near Hanuman Chowk. On reaching the site, he found a crowd gathered and learned that the motorcycle, carrying goods in a jute sack, had caused a person to sustain a head fracture. The injured, identified as Chhotu Kumar, was taken by villagers



to the Community Health Centre, Sursand. During a search, 36 liters of Nepali Sufi liquor were recovered from the jute sack on the motorcycle.

4. Learned counsel for the petitioner submits that according to the prosecution story, 36 litres of liquor was allegedly recovered from a motorcycle which was found abandoned on the road. It is stated that local persons informed the police that the riders of the said motorcycle had met with an accident and were referred to the Community Health Centre, Sursand. Acting on such information, the police reached the hospital and found the injured persons admitted, and on the basis of medical records, wherein the petitioner's name was mentioned, the police implicated him in connection with the seized articles. It is, however, submitted that the said motorcycle does not belong to the petitioner, he has no connection with the alleged recovery, and he has no criminal antecedents.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner and the petitioner has been implicated in this case due



to dirty village politics, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Sitamarhi, in connection with Sursand P.S. Case No. 40 of 2024 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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