

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60171 of 2025

Arising Out of PS. Case No.-770 Year-2025 Thana- Excise P.S. District- Aurangabad

Binay Kumar Singh S/O Raj Kumar Singh R/O Village- Bedauli, P.S.- Amba,
District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Advocate Mr. Ashutosh Kr. Mishra, Advocate Mr. Chandra Kishore Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, 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 Aurangabad Excise P.S. Case No. 770 of 2025 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 2 litre illicit chulai liquor was recovered from the Pulsar motorcycle in question and co-accused Raj Kumar (driver) and Ganesh Bhuyian were apprehended on the spot.

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 motorcycle in question. He further submits that father of the petitioner took the said motorcycle and one person namely, Ganesh Bhuiyan, who was carrying alleged liquor, took lift on the said motorcycle and petitioner is unaware about the said fact. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He was not found at the place of occurrence and no incriminating article has been recovered from his conscious possession. 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 no criminal antecedent.

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, keeping in view clean antecedent of 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 Special Judge Excise Second, Aurangabad in connection with Aurangabad P.S. Case No. 770 of 2025, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

