

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61778 of 2025

Arising Out of PS. Case No.-167 Year-2024 Thana- RAJAON District- Banka

Prakash Kumar S/o Ram Chandra Prasad Yadav R/o Village- Kataiya, P.S.
and District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Arun Kumar

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 Rajoun P.S. Case No. 167 of 2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 and Amendment, 2022.

3. As per prosecution case, 158.76 litre illicit liquor was recovered from Scorpio vehicle in question and co-accused Sourabh Kumar and Prince Kumar apprehended on 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. Learned counsel orally submits that petitioner is not named in the FIR and during course of investigation, his name has been



transpired as owner of the vehicle in question. Petitioner bears no criminal antecedent. He further submits that petitioner has already sold the said vehicle to one Saurabh Kumar Suman on 28.04.2022 which is evident from Annexure-2 to the bail petition and the present case has been registered on 24.03.2024 and hence, petitioner cannot be held responsible for the alleged recovery. No incriminating article has been recovered from conscious possession of the petitioner. 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 Special Judge,
Exclusive Excise Court-2, Banka in connection with Rajoun P.S.
Case No. 167 of 2024, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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