

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65868 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- DARPA District- East Champaran

Prem Kumar @ Prem Ram S/o Jagdeo Ram @ Jagdev Ram R/o Village-
Tinkoni, P.S.- Darpa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar Barnwal, Adv.

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Darpa P.S. Case No. 179 of 2004 registered for the offences punishable under Sections 274, 275, 3(5) of B.N.S. and section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 45 liters illicit Nepali Kasturi liquor kept in three sacks thrown by three apprehended accused persons. Apprehended accused persons disclose the name of the petitioner who is said to have fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the first information report and he has been falsely implicated in this case. He further submits that except disclosure of apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of one case in which he is on bail. It is submitted that because of having criminal antecedent petitioner has been falsely implicated in the present case without any basis. 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.

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, 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Excise



Court No. 2, East Champaran, Motihari in connection with
Darpa P.S. Case No. 179 of 2024, subject to the conditions as
laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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