

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64790 of 2025

Arising Out of PS. Case No.-191 Year-2024 Thana- EXCISE SHERGHATI District- Gaya

Abhinandan Kumar, S/o- Late Anjani Singh @ Late Anjani Kumar, Resident
of Village- Birhut Bodh Gaya, PS- Cherki, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Santosh Kumar, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Excise Sherghati P.S. Case No. 191 of 2024 dated 22.10.2024 registered for the offences punishable under sections 30(a) and 32(3) of the Bihar Prohibition & Excise Act, 2016 (in short 'Excise Act').

3. The main submissions advanced by petitioner's counsel are that the petitioner bears no criminal antecedent and his past history is completely clean and he has not remained involved in any kind of offence relating to the Excise Act and the instant matter relates to the recovery of 6.375 litres of foreign liquor from a motorcycle and it is an admitted position that only two persons were riding on the said motorcycle, who are said to have been apprehended at the spot, and it is not the



case of the prosecution that three persons were riding and one escaped upon seeing the police party. It is further submitted that the petitioner has been made accused mainly on account of he being the registered owner of the alleged vehicle and further, the apprehended co-accused persons did not disclose the involvement of the petitioner in the alleged crime, hence, the alleged offences punishable under the Excise Act, under which the FIR has been registered, do not attract even *prima facie* against this petitioner, so, his prayer for anticipatory bail is not hit by the provisions of section 76(2) of the Excise Act.

4. Learned APP appearing for the State has opposed the prayer of the petitioner.

5. In the facts and circumstances of this case as well as considering the submissions as stated above and coupled with petitioner's fair and clean antecedent, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Excise Sherghati P.S. Case No.



191 of 2024, subject to the conditions as laid down under
Section 482(2) of the BNSS.

(Shailendra Singh, J)

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