

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62394 of 2025

Arising Out of PS. Case No.-146 Year-2025 Thana- BARUN District- Aurangabad

Sanjay Kumar @ Sanjay Prasad S/O Late Krishna Prasad Resident Of
Village- (Kasth Toli) Old Town, Near Old Fort Daudnagar, P.S.- Daudnagar,
Post- Daudnagar, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Earlier anticipatory bail of the petitioner was
rejected vide order dated 11.07.2025 passed in Cr. Misc. No.
47602 of 2025 (Annexure-P/1).

3. The petitioner seeks bail in connection with Barun
P.S. Case No. 146 of 2025, instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The prosecution case, in short, is that 205 liters
liquor was recovered in this case.

5. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submits that the petitioner was not present at the place of occurrence. Name of the petitioner has transpired in this case on the basis of disclosure made by co-accused persons and the same has got no evidentiary value. It is further submitted that the petitioner is the first owner of the seized motorcycle and had sold the same to the co-accused Manoj Choudhary but, as the money was due, the transfer of the motorcycle could not be done in the name of Manoj Choudhary. The petitioner is in custody since 27.07.2025 and has got three criminal antecedents in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Barun P.S. Case No.
146 of 2025.

Rajorshi/-

(Rudra Prakash Mishra, J)

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