

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68868 of 2025

Arising Out of PS. Case No.-301 Year-2024 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Krishna Nand Pathak S/o Rajendra Pathak R/o Village- Sindhi, P.S.-
Bhagwanpur, Distt.- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Adv
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bhagwanpur P.S. Case No. 301 of 2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 21.420 litre illicit liquor was recovered from the motorcycle in question and one co-accused Ram Chander Dubey @ Ishwar Dubey was apprehended at the place of occurrence.

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.



Petitioner bears no criminal antecedent. Learned counsel for the petitioner submits has orally submitted that the petitioner is not named in FIR, during course of investigation the petitioner name has been surfaced in this case as the owner of the vehicle in question. He further submits that petitioner's motorcycle was taken away by his friend and he misused the same. Petitioner has no knowledge regarding the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found at the place of occurrence. 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 opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is owner of the motorcycle in question from which 21.420 litre illicit country made liquor was recovered and hence, petitioner cannot escape from the allegation made in FIR. Hence, petitioner does not deserve anticipatory bail.

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 Court of Special Judge. Ex.II, Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No. 301/2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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