

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65042 of 2025

Arising Out of PS. Case No.-365 Year-2025 Thana- GORAUL District- Vaishali

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Pankaj kumar S/o Sundeshwar Rai R/o Village- Sahpur Maricha, P.S.-
Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Hemant Kumar, learned counsel for the

petitioner and Mr. Mukesh Kumar Singh, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Goraul (Kathara) P.S. Case No. 365/ 2025 dated
28.06.2025 registered for the offence(s) punishable under
Section(s) 126(2), 115(2), 324(4), 132, 352, 351(2) read with
section 3(5) of the BNS and section 30(a) of the Bihar
Prohibition & Excise Act.

3. The main submissions advanced by the petitioner's
counsel are that the instant matter relates to the recovery of 375
ml. each of foreign liquor from the physical possession of the
co-accused, Upendra Kumar and Raja Kumar and as per the
allegation, three persons were riding on a motorcycle when they



were signalled to stop by the police and all of them were apprehended but it is not the case of the prosecution that the petitioner was present at that time with the apprehended accused persons and the petitioner has been made accused mainly on the basis of he being registered owner of the seized motor cycle and except this, there is no material to show the petitioner's involvement in the alleged offence and he bears no criminal antecedent. It is lastly submitted that in view of the material mentioned in the FIR, upon which the prosecution's allegation is based against this petitioner, do not attract commission of alleged offence, even prima facie, against this petitioner, so, the petitioner's prayer is not hit by section 76(2) of the Bihar Prohibition & Excise Act.

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

5. In the facts and circumstances of this case as well as considering the above stated facts and coupled with the petitioner's fair and clean antecedent, this court is inclined to grant the relief of anticipatory bail to him. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with



Goraul (Kathara) P.S. Case No. 365/ 2025 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, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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