

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65070 of 2025

Arising Out of PS. Case No.-429 Year-2021 Thana- BHORE District- Gopalganj

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Dhirendra Prasad @ Gopeshwar Lal @ Gopesh Lal, S/O late Thakur Lal,
Resident of village- Kalyanpur, P.S.- Bhore, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmveer, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

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

petitioner and Mr. Nityanand, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bhore P.S. Case No. 429 of 2021 dated 04.10.2021 registered for the offences punishable under section 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition & Excise Act (in short 'Excise Act').

3. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of 15.260 litres of liquor from the petitioner's motorcycle bearing registration No. BR28S-1988 and 18.200 litres from another motorcycle bearing registration No. UP-6928 and as per the prosecution story, three persons were riding on both the motorcycles, who were apprehended on the spot with the



alleged liquor and it is not the case of the prosecution that apart from them, any other person was present with them, so, only three persons were involved in the commission of the alleged offence and the petitioner has been made accused mainly on the basis of he being the registered owner of the motorcycle bearing registration No. BR28S-1988, in fact the petitioner's co-villager, namely, Arun Kumar had taken the petitioner's motorcycle on the pretext of some urgent work and thereafter, he misused the petitioner's motorcycle in the alleged crime. It is further submitted that the petitioner is a 60 year old person, having fair and clean antecedent and has never remained involved in any kind of offence relating to the Excise Act. It is lastly submitted that the material, upon which the prosecution has based its allegations against this petitioner, is not sufficient even *prima facie* to show the petitioner's involvement in the alleged offences punishable under the Excise Act, under which the FIR has been registered, 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 Bhore P.S. Case No. 429 of 2021, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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