

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65930 of 2025

Arising Out of PS. Case No.-245 Year-2025 Thana- MAIRWAN District- Siwan

=====

Ajay Pathak S/o Kailash Pathak Resident of Village - Singaha, P.O- Patkhauli,
P.S.- Singaha, District- Gorakhpur, (Uttar Pradesh) 273413

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Abhimanyu Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Mairwa P.S. Case No. 245 of 2022 registered for the offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution story, the informant, a police sub-inspector at Mairwa police station, reported that during a night patrol on 10–11 June 2025, a speeding car from Uttar Pradesh failed to stop initially, and its driver escaped on foot. Unable to secure independent witnesses, two police personnel, namely, Parshuram Kaushal and Dukhi Ram, searched the car according to procedure. They found a Mahindra XUV500 bearing Registration No. UP 51 AF 7211 carrying a total of



795.42 liters of liquor, including 540 liters of country liquor and 255.42 liters of foreign liquor.

4. Learned counsel for the petitioner submits that although 795 litres of liquor is said to have been recovered from a vehicle, the same was being driven by the petitioner's driver at the time of the alleged offence. The driver had sought permission from the petitioner to take the vehicle for the purpose of taking his wife to the hospital, and on that ground the petitioner, being the owner of the vehicle, permitted its use. However, without the petitioner's knowledge, the driver misused the vehicle and indulged in the alleged offence. It is further submitted that there is no eye-witness to the incident who could establish the petitioner's complicity in the offence. The petitioner has clean antecedents and, to demonstrate his bona fides, learned counsel for the petitioner proposes to deposit Rs.25,000/- in the welfare account of the Advocate Association of the Patna High Court.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that except for being the owner of the vehicle, the petitioner had no role in the



occurrence, as he was not present at the spot and the alleged act was committed by the driver under the garb of taking his wife for medical treatment, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Siwan, in connection with Mairwa P.S. Case No. 245 of 2022 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023 and on production of the receipt showing deposit of Rs. 25,000/- as proposed on behalf of the petitioner.

(Ajit Kumar, J)

sharun/-

U		T	
---	--	---	--

