

Arising Out of PS. Case No.-440 Year-2024 Thana- VAISHALI District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Vaishali (O.P. Belsar) P.S. Case No. 440 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 3297.600 litre illicit liquor was recovered from tanker in question. It came to fore that the alleged liquor belongs to petitioner and others.

4. Learned counsel for the petitioner submits that petitioner is neither owner nor driver of the seized tanker in question. He was not found at the place of occurrence. No



incriminating article has been recovered from the conscious possession of the petitioner. He has nothing to do with the alleged recovery. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel for the petitioner submits that from perusal of the F.I.R., it is not clear as to who has divulged the name of petitioner, and hence the authenticity of the F.I.R. is doubtful. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears criminal antecedent of one case in which he is on bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, 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 Exclusive Special Judge Excise Court No.-II, Vaishali at Hajipur in connection



with Vaishali (O.P. Belsar) P.S. Case No. 440 of 2024, subject to
the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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