

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65719 of 2025

Arising Out of PS. Case No.-687 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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Shyam Kumar Ray S/O Ramesh Ray Resident of Village- Chak Mehshi, P.S.
and Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Pushpa Sinha

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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 P.R. Case No. 11 of 2018 (G.O. No. 687 of 2018) registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 132.480 litre illicit liquor was recovered from Mahindra Bolero car in question and co-accused Santosh Sah was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in this case as the owner of the said vehicle in question. He further



submits that petitioner has sold the said vehicle to one Santosh Kumar Sah in the year 2017 (Annexure P/2) and he misused the said vehicle for carrying illicit liquor. Petitioner has no knowledge regarding the illicit liquor. He was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is not in any way connected with the alleged occurrence. 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 no criminal antecedent.

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, keeping in view clean antecedent of 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 Special Judge Ist (Excise Act), Darbhanga in connection with P.R. No. 11 of 2018 (G.O. No. 687 of 2018), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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