

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72492 of 2025

Arising Out of PS. Case No.-430 Year-2025 Thana- Excise P.S. District- Gaya

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Sona Ram Sundi S/o Sita Ram Sundi R/o Village- Narayanpur, P.S.-
Narayanpur, District- Jamshedpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the State : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise Thana P.S. Case No. 430 of 2025 registered for the offence punishable under Section 30(a) and 32(3) of Bihar Excise Act.

3. As per prosecution case, 2.250 litre foreign liquor and 2.500 litre beer were recovered from Baleno Car in question and five persons, namely, Dipak Prasad, Chhotu Kumar, Pankaj Kumar, Devashish Sahu and Ayush Kumar were apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case.



Learned counsel orally submits that petitioner is not named in the FIR and during course of investigation, his name has been transpired in this case as owner of the vehicle in question. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Learned counsel orally submits that petitioner had given the vehicle to the villagers in good faith but they misused the said vehicle in carrying the illicit liquor and hence, petitioner cannot be held responsible for the alleged recovery. Petitioner has no concern with the apprehended co-accused persons. Petitioner is not in any way connected with the alleged occurrence. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act. Apart from that, petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is owner of the vehicle in question from which total 4.750 litre illicit liquor was recovered and hence, petitioner cannot escape from the allegation of said recovery.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of the 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 Exclusive Special Excise Court-III, Gaya in connection with Excise Thana P.S. Case No. 430 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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