

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71744 of 2025

Arising Out of PS. Case No.-606 Year-2020 Thana- SARAIYA District- Muzaffarpur

1. Mukesh Singh @ Mukesh Kumar Singh S/O Tej Narayan Singh R/O Village- Fenda Gyaspur, P.S- Paroo, Dist.- Muzaffarpur.
2. Dhiraj Kumar S/O Arvind Kumar Singh @ Arbind Singh R/O Village- Bhikhanpura, P.S- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Adv.

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-10-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners are apprehending arrest in connection with Saraiya P.S. Case No. 606 of 2020 registered for the offences punishable under Sections 272, 273, 34 I.P.C. and section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 8082.36 liters illicit foreign liquor from the Container bearing Reg. No. HR-55S-2288. The driver of the vehicle namely, Roshan Kumar was apprehended on the spot.

4. Learned counsel for the petitioners has submitted that petitioners are not named in the first information



report. Learned counsel has orally submitted that petitioners' name has come to fore during investigation as it was found that they had talk with the co-accused persons through their mobile nos. 7765084717 and 8210984407. Petitioners are neither owner nor driver of the seized container. Petitioners were not found at the place of occurrence. Petitioners are not in any way connected with the alleged occurrence. It is submitted that except suspicion, there is nothing on record to connect the present petitioners with the alleged occurrence. No incriminating article has been recovered from possession of the petitioners. Petitioners bear no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that petitioners' name came to fore during investigation.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, petitioners are neither owner nor driver of the seized container, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners,



above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge Excise II, Muzaffarpur in connection with Saraiya P.S. Case No. 606 of 2020, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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