

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68003 of 2025

Arising Out of PS. Case No.-1036 Year-2024 Thana- Excise P.S. District- Aurangabad

Roushan Kumar S/o Indrajeet Yadav R/o Vill.- Badal Bigha, P.S.- Madanpur,
District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehend arrest in a case registered
under Sections 30(a), 45 of Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of 70 litre
illicit liquor kept in two plastic bags from the possession of co-
accused Nitish Kumar who was apprehended on the spot and
disclosed the name of petitioner as fled away person.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case only on the basis of disclosure statement made by the
apprehended co-accused. He further submits that no
incriminating article has been recovered from the conscious
possession of petitioner. Learned counsel submits that petitioner
was not present on the spot and he has no concern either with



the alleged seized liquor or with the place of recovery. He further submits that the co-accused falsely disclosed the name of petitioner *malafide* due to land dispute. Learned counsel submits that petitioner has one criminal antecedent, which does not belongs to Excise Act and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Excise P.S. Case No.1036 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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