

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70541 of 2025

Arising Out of PS. Case No.-337 Year-2025 Thana- KOCHADHAMAN District- Kishanganj

Fuldev Kumar S/o Siyaram Mukhiya R/o Village - Belagoth, P.S - Kishanpur,
District - Supoul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Kochadhaman P.S. Case No. 337 of 2025, giving rise to Special Case No. 203 of 2025 registered for the offence punishable under Section 109(1) of BNS, Section 27 of the Arms Act and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 201 litre illicit liquor was recovered from Tata Nexon vehicle in question and apprehended co-accused Jitendra Sah (driver of said vehicle) disclosed the name of co-accused Kamaldeo Mukhiya, who fled away from



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. He further submits that petitioner is not named in the FIR and during course of investigation, his name has been surfaced in this case as owner of Tata Nexon vehicle in question. Petitioner bears no criminal antecedent. Learned counsel at para 11 of the bail petition has submitted that Jitendra Sah was driver of the petitioner and on the alleged date of occurrence said Jitendra Sah took the vehicle on the pretext of illness of his father but said Jitendra Sah misused the said vehicle in carrying the illicit liquor for which petitioner cannot be held responsible. 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. There is violation of Section 103 and 105 of BNSS. 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. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.



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 201 litre illicit liquor has been 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 Judge (Excise-1), Kishanganj in connection with Kochadhaman P.S. Case No. 337 of 2025, giving rise to Special Case No. 203 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving



assurance to this Court is not co-operating in the investigation,
in that event, the learned trial court shall be at liberty to cancel
the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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