

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72160 of 2025

Arising Out of PS. Case No.-190 Year-2017 Thana- KHAIRA District- Saran

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MUKESH KUMAR SINGH S/O SATRUDHAN PRASAD SINGH R/O
VILL.- KHUNUA RATANPUR, S.D.S COLLEGE, P.S- BHAGWAN
BAZAR, DISTT.- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-10-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Khaira Police Station Case No. 190 of 2017, dated 24.07.2017, disclosing offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, during evening patrolling, saw that a tempo driver was sitting on a tempo and on seeing the police, he tried to flee away, but was apprehended by the police along with the tempo. On search, the police recovered 150 litres of illicit country-made liquor kept in the tempo, in question.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of the fact that he happens to be the owner of the tempo, in question, which is a commercial vehicle and was being plied on hire basis. The petitioner was not aware that the driver has kept illicit liquor inside the tempo. He further submits that the petitioner has got no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has been made accused on the basis of him being owner of the tempo in question, he is having no criminal antecedent, the vehicle is a commercial vehicle and is being plied on hire basis, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. III, Saran, at Chapra, in



connection with Khaira Police Station Case No. 190 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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