

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70444 of 2025

Arising Out of PS. Case No.-206 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

Mukesh Kumar Gupta @ Mukesh Gupta Son of Dinesh Gupta Resident of
Village - Rampur Bangr P.O. - Mathia Sriram, P.S. - Tarya Sujan, Dist. -
Kushinagar, State - Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saurabh Kumar, Advocate Ms. Anya Gupta, Advocate Mr. Shashwat Sahil Singh, Adv
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kuchaikote P.S. Case No. 206 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, there is alleged recovery of 22.600 litres illicit liquor from the Platina motorcycle in question. Apprehended co-accused Ritik Patel disclosed that he was instructed by the petitioner to supply the alleged liquor to someone.

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 for the petitioner submits that the petitioner is neither driver nor owner of the seized vehicle. Nothing is recovered from the conscious possession of the petitioner and petitioner is not found at the place of occurrence. The Petitioner bears no criminal antecedent. Except disclosure of apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner has no concern with the seized liquor. 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.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that at the behest of the petitioner the illicit liquor was being supplied and the name of the petitioner is quite evident from the FIR itself and hence, the petitioner cannot escape from the allegation made in FIR.

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 Court of ADJ IV cum Exclusive Special Judge Excise Court II, Gopalganj in connection with Kuchaikote P.S. Case No. 206/2025, 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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