

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71732 of 2025

Arising Out of PS. Case No.-266 Year-2024 Thana- AMBA District- Aurangabad

Sachin Kumar S/o Late Ajay Singh R/o vill - Dihuli, P.S.- Madanpur, Distt.-
Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Adv.
For the State : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with G.R. No. 649 of 2024 arising out of Amba P.S. Case No. 266 of 2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition of Excise Amendment Act, 2022.

3. As per prosecution case, 720 litre spirit was recovered from pickup van in question and apprehended co-accused Jitendra Kumar Chaurasia disclosed the name of petitioner and other.

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 neither owner nor driver of the pickup van in question. Petitioner bears no criminal antecedent. He further submits that except disclosure of apprehended co-accused Jitendra Kumar Chaurasia, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found at the place of 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. Apart from that, on similar and identical allegation, co-accused Kapil Kumar @ Raja Babu @ Kapil has already been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 9757 of 2025 and hence, petitioner also deserves anticipatory bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that name of petitioner has been surfaced upon the disclosure of apprehended co-accused Jitendra Kumar Chaurasia and hence, petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, on



similar and identical allegation, co-accused has already been granted anticipatory bail by a co-ordinate Bench of this Court, 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 Special Judge, Excise Court No. 1, Aurangabad in connection with G.R. No. 649 of 2024 arising out of Amba P.S. Case No. 266 of 2024, 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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