

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72411 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- VAINI District- Samastipur

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Kundan Kumar @ Kundan Ray S/o Santlal Ray R/o village - Dorapaar
Chandauli, P.S - Waini, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-10-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner is apprehending his/her arrest in connection with Waini P.S. Case No. 67 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, altogether 2682.900 litre illicit liquor was recovered from Truck, Bolero and Pick up van in question. Local chaukidar disclosed the name of the petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that except disclosure of local chaukidar, there is nothing on record to demonstrate the complicity of the present petitioner with the



alleged occurrence. He further submits that petitioner is neither owner nor driver of any of the seized vehicles in question. He was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of three cases in which he is on bail. He further submits that just because of having three criminal antecedents, petitioner has falsely been implicated in the present case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions 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 by submitting that the name of the petitioner has been surfaced in this case upon the disclosure of local chaukidar and hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, petitioner is neither owner nor driver of any of the seized vehicles in question, 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 Court – IInd, Samastipur in connection with Waini P.S. Case No. 67 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

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 the 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 bond of the petitioner.

(Alok Kumar Pandey, J)

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