

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72506 of 2025

Arising Out of PS. Case No.-267 Year-2020 Thana- SIDHWALIYA District- Gopalganj

Raju Kumar Dubey @ Raj Kumar Dubey S/o- Lalbabu Dubey Village- Pach
Pakaria Tulsi PS- G.B. Nagar, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.

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

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 arrest in connection with Sidhwaliya P.S. Case No. 267 of 2020 registered for the offences punishable under Sections 30(a), 41(i) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 16 litre country made liquor was recovered from Passion Pro Motorcycle bearing Registration No. BR29K 7835 and FIR has been lodged against owner of said motorcycle.

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. It has been submitted at para-6 of the bail petition that petitioner is not named in the FIR and no incriminating article has been recovered from physical or conscious possession of the petitioner. He further submits that name of petitioner has been transpired in the instant case at later stage of investigation. It has been submitted at para-9 of the petition that petitioner has never purchased and has no concern with Passion Pro Motorcycle bearing Registration No. BR29K-7835 and he is not owner of the said motorcycle. In this way, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act. Petitioner bears criminal antecedent of four cases, out of which in three cases he is on bail and in one case i.e. G.B. Nagar (Tarwara) P.S. Case No. 152 of 2017, petitioner has been acquitted and just because of criminal antecedent of the petitioner, he has been falsely implicated in this case. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. 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 16 litre country made liquor was recovered from motorcycle in question and name of petitioner transpired during course of investigation and hence, petitioner do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, 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 Additional Sessions Judge-XIII-cum- Special Excise Court-1, Gopalganj in connection with Sidhwaliya P.S. Case No. 267 of 2020, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

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)

shahzad/-

U		T	
---	--	---	--

