

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74636 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- BRAHMPUR District- Buxar

Lakru Sah @ Rakesh Bhagat @ Lakdu Sah S/O Ganesh Shah @ Ganesh Bhagat Resident of village- Javahi Dear, P.S.- Brahmpur, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-11-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Brahmpur P.S. Case No. 181/2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment Act) 2018, 191(2), 191(3), 109, 132, 324(4) of the B.N.S. and Sections 27, 26 and 35 of the Arms Act.

3. As per prosecution case, 147.780 litres of foreign liquor was recovered from a Swift Dezire car. It is alleged that the persons who were on Bolero vehicle and two motorcycles tried to free the said car from the clutches of the police and the local Mahal Chowkidar and local villagers disclosed the name of the petitioner and others who had attacked the police in order to secure the release of the said car.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Nothing has been recovered from the possession of the petitioner. He further submits that the name of local villagers has not been disclosed, which questions the authenticity of the FIR. Except disclosure of local villagers, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. The petitioner bears no criminal antecedent. There is no compliance of Section 103 of B.N.S.S. In the light of aforesaid submission, no offence is made out against the petitioner under the aforesaid sections. He orally submits that the petitioner is not the owner of the seized vehicles i.e. Bolero vehicle, Swift Dezire car and two motorcycles. On similar and identical allegation, co-accused Golu Singh @ Sunny Singh has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.76073/2025 and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner is FIR named accused and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the



case, on similar and identical allegation co-accused has already been granted anticipatory bail, keeping in view clean antecedent of 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 Exclusive Special Excise Court No.2, Buxar in connection with Brahmpur P.S. Case No. 181/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

8. However, the trial court shall verify the criminal antecedent of the petitioner as mentioned in para 3 of the bail petition and in case, at any stage, if is found that the petitioner has concealed his criminal antecedent, the trial court shall take steps for cancellation of bail bond of the petitioner.

(Alok Kumar Pandey, J)

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