

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86481 of 2025

Arising Out of PS. Case No.-440 Year-2024 Thana- MOTIPUR District- Muzaffarpur

Chandra Prakash Son of Shishu Pal Resident of Village - Near Mega City 345
Sainik Colony, P.O. - Izzat Nagar, P.S. - Town Bareilly District - Bareilly.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Motipur P.S. Case No. 440 of 2024, F.I.R dated 26.12.2024 registered for the offences punishable under Sections 317(5), 318(4) of the B.N.S and 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, on 26.12.2024 at about 10:00 a.m., Manish Kumar, P.S.I., Motipur Police Station, along with other police personnel, allegedly left the police station for patrolling and vehicle checking. It is alleged that a vehicle coming from the Bank side reached near the railway gumti and dashed near the railway overbridge. Thereafter, the police chased the said vehicle, during which one occupant allegedly



managed to flee and another person, who was injured, was found inside the car and disclosed his name as Uttam. It is further alleged that on search of a Tata Altroz car bearing registration no. BR-11-AS-4363, the police recovered 447 litres of foreign liquor from the dickey. It is also alleged that the original registration number of the said vehicle was UP-25-DK-4846. Thereafter, a seizure list of the alleged recovered liquor was prepared and the present case was instituted.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle in question which was being run through Zoom Car India Private Limited. It has next been submitted that the said car was being hired by the general public for the purpose of their personal need, while the said vehicle was put on rent to the private persons as a source of earnings for livelihood. It is said that the said incident has taken place or the persons who were found in the vehicle have also been arrested and this petitioner is only come to know by the company to him, such vehicle was given on rent. This petitioner has knowledge for such incident, and has clean antecedent, and accordingly, seeks intervention of this Court for grant of privilege of anticipatory bail.

5. Without accepting the guilt, learned counsel for the



petitioner proposes to deposit Rs. 5,000/- (Rupees Five Thousand) in the welfare account of Advocate Association, Patna High Court, Patna.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and considering the aforesaid fact the petitioner has clean antecedent and no way connected with the recovery so made from the vehicle, the said vehicle was put on rent to the private persons as a source of earnings for livelihood , accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SP1 Excise Judge II, Muzaffarpur in connection with Motipur P.S. Case No. 440 of 2024 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023, and on



production of the receipt showing deposit of Rs. 5,000/-
(Rupees Five Thousand) as proposed on behalf of the petitioner.

(Ajit Kumar, J)

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