

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79977 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- SAHJAHANPUR District- Patna

Chandan Kumar S/O Late Shailendra Singh R/O Vill.- Goripunda, P.S.-
Fatuha, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mickey Singh

For the Opposite Party/s: Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Shahjahanpur P.S. Case No.87 of 2025 dated 02.07.2025, registered for the offences under Sections 30(a) of Bihar Prohibition and Excise Act and under Section 317(4), 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the FIR, a total of 80 litres of country-made liquor, one motorcycle, and mobile phones were recovered. Two persons were apprehended on the spot, and they disclosed that they had looted the motorcycle near Chhapak Water Park along with other co-accused for the purpose of liquor smuggling. They further stated that the vehicle was given to the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in the present case solely on the basis of statements made by the apprehended co-accused persons. There has been no recovery from the constructive possession of the petitioner, and he is in no way connected to the recovered country-made liquor or to the co-accused persons. He further submits that the name of the petitioner surfaced in the instant case solely on the basis of confessional statements of the apprehended co-accused, whereas the petitioner has no connection with the seized motorcycle from which the liquor is alleged to have been recovered. It is further submitted that the said motorcycle was a stolen vehicle, and during the investigation, it was found that the co-accused had stolen it for the purpose of transporting liquor. Consequently, on the basis of their statements, the petitioner has been implicated in an additional case, namely Fatuha P.S. Case No. 687 of 2025, registered under Section 309(4) of the Bharatiya Nyaya Sanhita.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. 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 of the



petitioner and petitioner is in no way connected with the seized motorcycle, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 Exclusive Special Court of Excise Patna City, in connection with Shahjahanpur P.S. Case No.87 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

(Ajit Kumar, J)

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