

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85966 of 2024**

Arising Out of PS. Case No.-665 Year-2024 Thana- Excise P.S. District- Bhagalpur

Om Prakash Son of Sri Brahmdev Sah Resident of Village -Kishanpur, PS-  
Ghataho, District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anirudh Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      17-01-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. From perusal of the office-notes, it appears that the report, regarding criminal antecedent of the petitioner, as directed vide order dated 20.12.2024 passed by a Co-ordinate Bench of this Court, has not been received as yet but, learned counsel for the petitioner submits that the petitioner bears no criminal antecedent.

3. The petitioner apprehends his arrest in connection with Excise Sadar P.S. Case No. 665 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per prosecution case, the police has recovered



total 540 liters of illicit India-made foreign liquor from the Bolero vehicle bearing Regd. No. BR11GC6787.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case only because he is the owner of the vehicle, in question. The name of the petitioner has surfaced in this case on the disclosures made by the co-accused Situ Kumar. He further submits that as the petitioner was not caught on the spot, nothing incriminating has been recovered from his conscious possession. He further points out that the petitioner used the alleged vehicle for commercial purposes of goods and he had handed over the same to the driver Situ Kumar for carrying goods. The co-accused Situ Kumar has nothing alleged against the petitioner except the alleged vehicle belongs to the petitioner. He further submits that except the statement of the co-accused Situ Kumar, there is nothing adverse against the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the recovered liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.



6. Learned counsel for the petitioner further submits that the co-accused Situ Kumar @ Situ Kumar Mahto @ Sintu Kumar has been granted regular bail by this Court vide order dated 11.12.2024 passed in Cr. Misc. No. 84544 of 2024.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner as also the petitioner having no criminal antecedent, let the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise Sadar P.S. Case No. 665 of 2024, subject to the conditions as laid down under Section 482 (2) of the Cr.P.C.

**(Rudra Prakash Mishra, J)**

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