

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84053 of 2025

Arising Out of PS. Case No.-142 Year-2025 Thana- CHANDI District- Bhojpur

Vikash Kumar Son of Ram Babu Yadav, R/o - Khangaon, P.S. - Chandi, Distt.
- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the State : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-12-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Chandi P.S. Case No. 142 of 2025 dated 11.09.2025, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the allegation, one motorcycle bearing Registration No. BR-03AJ-2419 and 150 liter country made liquor have been recovered from the Sone river side. As per further case of the prosecution, the police had got secret information that the petitioner and the co-accused/Rahul Kumar are carrying illicit liquor towards their village. When the police reached near the place of recovery, they apprehended one person



who disclosed his name as Rahul Kumar, however, another person was successful to flee away taking advantage of Sone river. As per further case of the prosecution, co-accused/Rahul Kumar disclosed that the motorcycle belongs to the petitioner.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner has nothing to do with the alleged offence. He also submits that as per the seizure list, there is no indication that the illicit liquor were tied up with the motorcycle and being carried. The seizure list clearly shows that from the recovered illicit liquor, the motorcycle has no connection and in that way motorcycle cannot be deemed to be used in transportation of the contraband. He further submits that petitioner was not present on the place of recovery and his name has been transpired in the confessional statement of co-accused/Rahul Kumar, which has no evidentiary value. He also submits that the motorcycle of the petitioner was taken by co-accused/Rahul Kumar to bring some medicine for himself.

5. As such there is no case made out against the Petitioner under Excise Act and the Petitioner is entitled to get anticipatory bail.

6. It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated paragraph no.3 of the bail petition that the petitioner has two criminal antecedents.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Chandi P.S. Case No. 142 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite



his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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