

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84290 of 2025

Arising Out of PS. Case No.-950 Year-2025 Thana- Excise P.S. District- Aurangabad

Sunil Kumar S/O Late Ramdev Prasad R/O Village-Amba, P.S-Amba,
District-Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 950 of 2025, F.I.R dated 08.10.2025 registered for the offences punishable under Sections 30(a), 30(c), 32(3) of the Bihar Prohibition and Excise Amendment Act, 2018 and 2(3), 3, 5(KH) and 18 of the Bihar State Mahua flower Rule, 2006

3. As per the prosecution case, the informant submitted a written complaint before the Officer-in-Charge, Excise Police Station, Aurangabad, alleging that on 5:00 A.M., while proceeding with the escort party towards Arka Check Post from Padarawa Excise Police Station on the direction of higher excise अधिकारियों, they were conducting checking of persons



and vehicles. During such checking, the informant allegedly received secret information that one person was transporting illicit liquor on a motorcycle. Acting on the said information, the raiding party noticed a person coming on a motorcycle carrying bags, who on seeing the police fled towards the fields and escaped. Thereafter, the abandoned motorcycle was searched in accordance with law in the presence of official witnesses due to non-availability of independent witnesses, and it is alleged that 42 kg of Mahua flower and 4 litres of country-made Mahua liquor were recovered from the said motorcycle. Subsequently, the seized articles and motorcycle were taken into custody and a seizure list was prepared.

4. Learned counsel for the petitioner submits that name of this petitioner has transpired merely for the reason that the TVS Luna Motorcycle bearing Registration No. JH03AQ1232. While the case of the petitioner is that the said Luna Motorcycle was handed over to one Raushan Kumar, who is co-villager, had gone to take medicine from Sanada Bazar and during the course of such transaction, the incident of such nature is said to have been done, for which incident, F.I.R has been lodged. The petitioner is no way connected with seizure, while there is no adherence of the provisions of BNSS Act. It has next



been submitted that the petitioner has clean antecedent and is man of means and ready to abide by the terms and conditions of anticipatory bail if such privilege is extended in his favour.

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

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 and / or premises belonging to the petitioner and considering the fact that the petitioner has clean antecedent and there is none adherence of the provisions of BNSS Act while making such seizure at the time of incident the petitioner was not driving the Luna motorcycle and it was given to one Raushan Kumar for his personal use, 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 Court of Special Judge, Excise Court – Second, Aurangabad (Bihar) in connection with Excise P.S. Case No.



950 of 2025 subject to the condition as laid down under Section
482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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