

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87573 of 2025

Arising Out of PS. Case No.-313 Year-2020 Thana- NAUGACHIA District- Bhagalpur

Sarvesh Kumar @ Lalla @ Sarvesh S/o Sanatan Singh @ Bhairav Singh R/o
Village - Korai, Police Station - Gadhpura, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvottam Kumar

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Naugachiya P.S. Case No. 313 of 2020, F.I.R dated 16.10.2020 registered for the offences punishable under Sections 30(a), 38(i) of the Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, on 16.10.2020 at about 11:30 P.M., the informant S.I. Ranjan Kumar Gupta of Naugachiya Police Station submitted a written report alleging that during patrolling he was informed by a senior officer that a truck bearing Registration No. JH-01 V-9621 had fled after hitting two persons near Pakra Chowk. Acting on the said information, the informant reached the western side and found



the truck parked there, from which one person came out and disclosed his name as Purshottam Kumar. Upon search of the truck, 1013.88 litres of Indian Made Foreign Liquor and 672 litres of beer were allegedly recovered, for which a raid was conducted and a seizure list was prepared.

4. Learned counsel for the petitioner by taking this Court to the allegations made in the First Information Report submits that the recovery is said to have been made from the truck bearing Registration No. JH-01V-9621, which is in no way connected to this petitioner, the petitioner has no concern with the seized articles and submits that the same has not been recovered from the constructive possessions of this petitioner. It has next been submitted that the name of this petitioner has transpired on the basis of confession made by one co-driver, namely, *Purshottam Kumar* was arrested while the main driver and the truck attendant already fled away. However, counsel for the petitioner fairly submits that this petitioner has three antecedents out of which two are akin to the instant case, in which in all the three cases this petitioner is on bail.

5. On instruction, 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 recovery is said to have been made from the truck and this petitioner is no way connected with the seized articles, 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 Exclusive Special Excise Court No. - II, Bhagalpur in connection with Naugachiya P.S. Case No. 313 of 2020 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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