

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84052 of 2025

Arising Out of PS. Case No.-475 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

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Kunal Kumar S/O Rajkishor Sah, R/O Village- Sobaiya, P.S- Kotwa, Distt.-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar Tiwari, Advocate
For the State	:	Mr. Upendra Kumar, APP

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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 Motihari Town P.S. Case No. 475 of 2025 dated 05.06.2025, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation, two persons, including the petitioner and the co-accused/Vishal Kumar, have got down from the train carrying illicit liquor. Co-accused/Vishal Kumar has been arrested by the police on the spot with 19.5 litre illicit liquor. However, as per further case of the prosecution, the petitioner threw away his bag and fled away and from threw bag by the petitioner, 15 litre illicit liquor has been recovered.



4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has nothing to do with the alleged offence and name of the petitioner has been taken by co-accused in his confessional statement which has no evidentiary value and there is no legally admissible material on record to connect the petitioner with the alleged offence.

5. As such, there is no *prima facie* 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 one criminal antecedent.

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

9. Considering the fact that no *prima facie* case is made out against the petitioner, **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 Motihari Town P.S. Case No. 475 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 antecedent 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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