

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86512 of 2025

Arising Out of PS. Case No.-894 Year-2025 Thana- Excise P.S. District- Muzaffarpur

1. Kanhai @ Aditya @ Aditya Raj S/o Ajay Kumar Resident of Village - Pinjari, P.S - Barbigaha, District - Shekhpura At present R/o - Chanak Bihar Colony Gobarsahi, P.S - Sadar, District - Muzaffarpur
2. Chhotu @ Harsh Raj S/o Ajay Kumar Resident of Village - Pinjari, P.S - Barbigaha, District - Shekhpura At present R/o - Chanak Bihar Colony Gobarsahi, P.S - Sadar, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar
For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-12-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehended their arrest in connection with Muzaffarpur P.S. Case No. 894 of 2025, F.I.R dated 15.07.2025 registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on the basis of secret information received on 14.07.2025, the informant, Jyoti Kumari, submitted a written application before the S.H.O., Muzaffarpur, alleging that Ajay Kumar along with his sons, namely Kanhai @ Aditya and Chhotu @ Harsh Raj (petitioners),



had transported illegal liquor in a truck bearing registration no. NL-01-AF-6720 from Hajipur to Muzaffarpur and were supplying the same to small vendors. It is alleged that acting upon the said information, the informant along with other police personnel reached near Sudha Dairy on 15.07.2025 at about 00:50 hours and started vehicle checking. At about 01:10 hours, the said truck was intercepted. It is further alleged that the driver attempted to flee but was apprehended and disclosed his name as Ajay Kumar, while the co-driver was Sonu Kumar. As no independent witnesses agreed to participate, the search was conducted in the presence of two constables, during which about 300 litres of beer and foreign liquor were allegedly recovered from the truck, along with 2000 packets of water and other articles. A seizure list was prepared accordingly, leading to institution of the present case.

4. Learned counsel for the petitioners submits that the recovery is said to have been made from truck bearing Registration No. NL01AF-6720, which is standing in the name of the father of the petitioners, namely, *Ajay Kumar*, though these petitioners are the son of *Ajay Kumar* but they are no way connected with the seized articles. The name of both the petitioners have transpired on the basis of statement of local villagers, and both the petitioners have clean antecedent.

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 petitioners and considering the aforesaid fact that the recovery is made from truck and the owner of the said truck is *Sri Ajay Kumar*, and these petitioners are no way connected with the seized materials and they have clean antecedent, accordingly, this Court is inclined to grant anticipatory bail to these petitioners.

7. Let the petitioners, 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 Special Judge Excise Court No. II, Muzaffarpur in connection with Muzaffarpur P.S. Case No. 894 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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