

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.3292 of 2025

Arising Out of PS. Case No.-767 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Arun Kumar S/o- Balchand Ram Village - Mudda, P.S. - Kundawa, District -
Chandauli (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil
For the Opposite Party/s : Mr. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-02-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Prohibition and Excise P.S. (Bhabua) Case No. 767 of 2024, dated 04.10.2024, disclosing offences under Sections 30(a)/32(1)/32(3)/41(1)/41(2) of the Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that on 04.10.2024, the police, during the course of vehicle checking intercepted one CNG Tempo, bearing Registration No. UP67-BT-2747. Upon search, altogether 17.640 liters of country made illicit liquor and IMFL liquor were recovered from the said tempo and two



person were arrested. On inquiry, the apprehended persons disclosed their names as Rahul Kumar (brother of the petitioner) and Aniket Kumar.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case only because he happens to be the registered owner of the said tempo. He next submits that the tempo, from where illicit liquor has been recovered, was being driven by his brother and other co-accused person without the petitioner's information and the petitioner had no knowledge about the illicit liquor being kept therein. The petitioner has got no criminal antecedent.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner happens to be the registered owner of the tempo, in question, which was being driven by his brother and other accused person, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/-



(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-2, Kaimur at Bhabua, in connection with Prohibition and Excise P.S. (Bhabua) Case No. 767 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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