

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88445 of 2025

Arising Out of PS. Case No.-170 Year-2021 Thana- SINGHWARA District- Darbhanga

Shahid Khan @ Shahid Son of Jameel Khan Resident of Lakhawati Mirzapur,
Post- Bagrai Khurd, P.S.- Khurja Dehat, District- Bulandshahar, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Niharika Rani
For the State : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Singhwara P.S. Case No. 170 of 2021, F.I.R dated 24.08.2021 registered for the offences punishable under Sections 30(a), 41(i) and 41(ii) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 23.08.2021 at about 11:00 P.M., the informant along with other police officials, acting on secret information, reached N.H.-57 and started checking vehicles coming from Atarbel. During the checking, a truck bearing registration No. UP-75-M-7901 was stopped and searched. It is alleged that upon search of the said truck, 1,827 litres of foreign liquor were recovered. The police apprehended



two persons found sitting in the truck, who disclosed their names as Praveen Kumar and Rohit Kumar. On the basis of the alleged recovery and apprehension, the case was registered under the relevant provisions of the Prohibition and Excise laws.

4. Learned counsel for the petitioner submits that the truck in question was already sold to one *Deepak Kumar* on 24.06.2021 prior to the date of occurrence and the agreement excuted between the parties are placed on record which is appended in the petition as against the petitioner. It is next submitted that the driver, co-driver and khallashi of the said truck which was being run under the control of *Deepak Kumar*, which is said to be the owner of the truck, was arrested and taken to judicial custody, and this petitioner is no way connected with the alleged recovery of illicit liquor. The instant case is of the year 2021, and very recently during course of the investigation, the vehicle which still stands in the name of this petitioner, as the purchaser has not effected transfer of the vehicle in question in his name till date, the name of the petitioner has transpired in this case. Lastly, it is submitted that this petitioner has 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 petitioner and considering the aforesaid fact and this petitioner has clean antecedent, the vehicle was already sold in the year 2021 *vide* Annexure-2, and the driver and co-driver was already taken into the judicial custody, 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 Exclusive Special Excise Judge-II, Excise Act, Darbhanga in connection with Singhwara P.S. Case No. 170 of 2021 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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