

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.664 of 2025

Arising Out of PS. Case No.-829 Year-2024 Thana- WAJIRGANJ District- Gaya

Surendra Prasad Son of Naresh Prasad Resident of village- Sukha Bigha, Ps-
Warisganj Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and Mr.
Choubey Jawahar, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Wazirganj P.S. Case No. 829 of 2024 registered for the
offences punishable under Section 30(a) of the Excise Act.

3. As per prosecution case, the police has recovered
total 400 liters of illicit country-made liquor from two
motorcycles and 2000 liters of soaked *Jawa Mahua* were
destroyed at the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that as the petitioner was not
caught on the spot, nothing incriminating has been recovered



from his conscious possession. The name of the petitioner has transpired in this case only on the basis of confessional statement of the co-accused Birendra Kumar and, except this, there nothing adverse against the petitioner. Learned counsel for the petitioner further submits that the aforesaid co-accused Birendra Kumar has already been granted regular bail by this Court vide order dated 16.12.2024 passed in Cr. Misc. No. 84944 of 2024. The petitioner has also no concern with the place of occurrence as the same is the public place. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Wazirganj P.S. Case No. 829 of 2024, subject to the conditions as laid down under Section 482 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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