

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.380 of 2025

Arising Out of PS. Case No.-51 Year-2022 Thana- PUSA District- Samastipur

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Dinesh Prasad Son of Radhe Resident of Village- Matiyadhir, P.O.- Ramkola,
P.S.- Ramkola, District- Kushinagar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 05-02-2025 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 Pusa Police Station Case No. 51 of 2022, disclosing offences under Sections 30(a), 32(1), 32(2), 41(1), 41(2) of the Bihar Prohibition and Excise Amendment Act, 2022.
3. As per the prosecution case, on 03.06.2022, on secret information, informant reached the place of occurrence and saw a pick up parked near the garden on the left side of road near Bhuskaul Chowk. No person was present near the vehicle. Police duly searched the said Pick up bearing Reg. No. UP57T8720 and a total of 486 liters of foreign liquor was



recovered from it. After that, case was lodged against driver and owner of Pick up vehicle bearing Reg.No. UP57T8720 under Excise Act.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to negligence of the driver and on the basis that petitioner is registered owner of the vehicle. The pick up van is a commercial vehicle and is being plied on hire basis. Petitioner is having no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and he has been made accused on the basis of his being the registered owner of the pick up van. Pick up van is a commercial vehicle and is being plied on hire basis by the driver and the petitioner was not aware about the illicit liquor being carried or transported by the driver, 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise 1st, Samastipur, in connection with Pusa Police Station Case No. 51 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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