

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88393 of 2025

Arising Out of PS. Case No.-284 Year-2025 Thana- GORIAKOTHI District- Siwan

Prince Kumar Ram Son of Gulab Ram Resident of Village - Sewtapur, P.S. -
Mairwa, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Anupam, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Goriyakothi P.S. Case No. 284 of 2025, dated 24.08.2025 registered for the offences under Sections 30(a), 41(1) of Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, the police has recovered total 207.360 liter of illicit liquor and a mobile phone with SIM from the Scorpio vehicle bearing Regd. No. BR01PK1399 and total 172.800 liter of illicit liquor and a mobile with SIM from the Brezza vehicle bearing Regd. No. BR06DQ9085.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case merely due to highhandedness of the police. There



has been no recovery from the constructive possession of the petitioner. Learned counsel for the petitioner submits that the name of the petitioner has been dragged in this case merely on the basis of the fact that the fastag, which the vehicle in question bears, belongs to the petitioner, who is the driver of the said car but, actually on the date of incident, the car was being driven by somebody else. It has next been submitted that even the owner of the vehicle, in question, is also made an accused in this case. There is no independent witness to the alleged search and seizure and the same has been prepared in violation of Section 103 of the BNSS Act, 2023. The petitioner bears no criminal antecedent. The petitioner has no concern either with the seized liquor or the alleged vehicles. The petitioner is a man of means and he is ready to abide by terms and conditions imposed in this case in case the benefit of privilege of anticipatory bail is given to the petitioner.

5. Learned APP for the State opposed the prayer for bail.

6. Regard being had to the submission made by the parties, taking into consideration the fact that the illicit liquor has not been recovered from the constructive possession of the petitioner, accordingly, this Court is inclined to grant privilege



of 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 Court No.1, Siwan in connection with Goriyakothi P.S. Case No. 284 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

(Ajit Kumar, J)

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