

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9031 of 2026

Arising Out of PS. Case No.-313 Year-2025 Thana- NAVINAGAR District- Aurangabad

Nikhil Kumar S/o Upendra Singh R/o Village- Bardiha, P.s.- Nabinagar,
Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Nabinagar P.S. Case No. 313 of 2025, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution-case, there is alleged recovery of 31.5 litre illicit liquor from the carton kept on the motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. It is further submitted that petitioner is not named in the F.I.R. and his name transpired during the course of investigation as he is the owner of the vehicle in question.



Learned counsel further submits that petitioner had given his motorcycle to his co-villager for purchasing house-hold articles and petitioner cannot be held liable for the alleged recovery from the vehicle in question. Petitioner was not found at the place of occurrence and no incriminating article has been recovered from the physical possession of the petitioner. Petitioner was not, in any way, concerned with the alleged recovery. In light of the aforesaid facts and circumstances, no offence, as alleged in the F.I.R., is made out against the petitioner. Apart from that, petitioner has clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that petitioner, being the owner of the vehicle, cannot escape from the allegations made in the F.I.R.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, petitioner was not found at the place of occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail-bond of



Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge-cum-Exclusive Special Judge, Excise Court No.01, Aurangabad in connection with Nabinagar P.S. Case No. 313 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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