

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8703 of 2026

Arising Out of PS. Case No.-133 Year-2025 Thana- KANHAULI District- Sitamarhi

Gurnek Son of Ganesh Paswan Resident of Village - Kuari Madan, ward no.7,
P.S.-Majorganj Dist.- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv.
For the State : Mr. Madan Kumar, 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 Kanhauli P.S. Case No. 133 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is alleged recovery of 90 litre country made *Nepali* liquor from Auto Rickshaw in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that petitioner is not named in the FIR and during course of investigation, his name transpired in this case being owner of Auto Rickshaw in question. Learned



counsel further submits that petitioner used to give his E-Rickshaw to the driver on monthly rental basis and petitioner had no knowledge that alleged Auto Rickshaw was being used in carrying the illicit liquor and hence, he cannot be held responsible for the alleged recovery. Apart from that, petitioner bears no criminal antecedent. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is owner of the Auto Rickshaw in question from which 90 litre country made *Nepali* liquor has been recovered and hence, petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of 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 Exclusive Special Excise Judge-1, Sitamarhi/concerned court in connection with Kanhauli P.S. Case No. 133 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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