

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8844 of 2026

Arising Out of PS. Case No.-360 Year-2025 Thana- GARDANIBAG District- Patna

Chunnu Kumar S/O Harnand Nonia Resident of Village - Govindpur, P.S-
Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, A.P.P.

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 Special Case No. 921 of 2025 arising out of Gardanibagh P.S. Case No. 360 of 2025 registered for the offences punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2023.

3. As per prosecution case, 15 liter illicit liquor was recovered from the Scooty in question and co-accused Rahul Kumar was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in this case as a owner of the Scooty in question. He further



submits that on the alleged date of occurrence, one Rahul Kumar borrowed the Scooty of the petitioner for some urgent work and he misused the said vehicle of the petitioner. Petitioner had no knowledge that his Scooty was being used for carrying illicit liquor. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged occurrence. 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. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that the alleged recovery has been made from the Scooty of the petitioner and hence, he cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, keeping in view clean antecedent of petitioner, 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 Special Court Excise-I, Patna in connection with Special Case No. 921 of 2025 arising out of Gardanibagh P.S. Case No. 360 of 2025 , subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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