

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17712 of 2026

Arising Out of PS. Case No.-116 Year-2025 Thana- JHAROKHAR District- East Champaran

Vimal Kumar @ Bhimal Kumar Son of Gauri Shankar Ram Resident of
Village- Senuvariya, P.S.- Chiraiya, District- East Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jharokhar P.S. Case No.116 of 2025, F.I.R dated 19.08.2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, in brief, is that the informant, posted as an Assistant Sub-Inspector at Athmuhan Chauki Border (Special Identity No. 13070071), received secret information through the 71st Battalion of the Sashastra Seema Bal that certain unknown persons were transporting Kasturi Nepali liquor from Nepal to India. Acting on the said information, the informant, along with his team, reached the



place of occurrence and noticed three persons approaching on motorcycles. When signaled to stop, they attempted to flee, but their motorcycle slipped, whereupon they abandoned the motorcycles and escaped. From the spot, two motorcycles, namely, one Hero Splendor Plus bearing Vehicle No. BR05BJ-7534 and one Hero Glamour bearing Vehicle No. BR05AD-1023, were recovered. In addition, 160 bottles of Kasturi Nepali Liquor, each containing 300 ml, totaling 48 litres, were recovered from the place of occurrence, leading to registration of the present F.I.R.

4. Learned counsel for the petitioner submits that the recovery of Kasturi Nepali liquor has been made from an open space, which is accessible to all. It has next been submitted that the petitioner has falsely been implicated in the present case merely on the basis of suspicion and even the recovery has not been made from the motorcycle in question, of which the petitioner is the owner. Lastly, it has been submitted that the petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has



not been recovered from the constructive possession and / or premises belonging to the petitioner and the petitioner has clean antecedent, accordingly, this Court is inclined to grant 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.- 03, Civil Court East Champaran, Motihari, in connection with Jharokhar P.S. Case No.116 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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