

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29352 of 2026

Arising Out of PS. Case No.-17 Year-2026 Thana- Daudnagar Excise District- Aurangabad

Dashrath Kumar Son of Kirani Yadav Resident of Village - Pathak Bigha,
P.S.- Pauthu, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saket Kumar Singh, Adv.
	:	Ms. Meena Singh, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, App.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-05-2026 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Daudnagar Excise Case No. 17 of 2026, disclosing offences under Sections 30(a) and 32(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.
3. The prosecution case is that on 10.01.2026, during patrolling duty near Dhusari More under Haspura P.S., the police intercepted two persons riding a Hero Glamour motorcycle. One accused allegedly fled from the spot, while the driver, namely Prashottam Kumar, was apprehended and disclosed the name of the absconding accused as Dashrath Kumar. During search of the motorcycle, the police allegedly recovered 32 litres of illicit liquor kept in a yellow gunny bag



containing four polythene packets.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present. It is next submitted that the petitioner was neither apprehended from the spot nor is he the owner of the motorcycle in question. The petitioner has been made accused merely on the basis of disclosure of his name made by the arrested co-accused person. It is next submitted that the petitioner had merely taken a lift from co-accused Prashottam Kumar, who is his co-villager, without any knowledge regarding the alleged liquor concealed in the motorcycle. The owner of the motorcycle, namely Gautam Kumar, has already been granted anticipatory bail by the learned court below. Petitioner is having no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent, he is not the owner of the seized motorcycle from where the illicit liquor has been recovered and he has been made accused merely on the basis of confessional statement of the arrested co-accused, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.



7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-IInd, Aurangabad, in connection with Daudnagar Excise Case No. 17 of 2026, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

