

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33369 of 2026

Arising Out of PS. Case No.-525 Year-2023 Thana- MASHRAK District- Saran

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Kundan Kumar @ Kundan Kumar Nut @ Kundan Nut S/o Dudhnath Nut @
Dudhnath Nut R/o vill - Bazid Bhoraha/ Bajitbhoraha, P.S.- Madhaurah,
Distt.- Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party : Mr.Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and

apprehending his arrest in connection with Mashrakh P.S.

Case No.525 of 2023 registered under Section 30(a) of

Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in

illegal trade/manufacturing of illicit liquor, where there is

total recovery of 16 litres IMFL/country-made liquor from

the petitioner and other, namely, Dinesh Kumar.

4. It is submitted by learned counsel appearing for

the petitioner that the name of this petitioner arrayed solely



for the reason that the petitioner is the owner of motorcycle bearing Registration No. BR04AM- 5104, which was involved in carrying illicit liquor. It is also submitted that the petitioner was neither present at the place of occurrence nor the petitioner is in any way connected with the alleged liquor. It is further argued that the bike of petitioner was given to his neighbour for doing some personal work. It is also submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. Explaining criminal antecedent, it is submitted that the petitioner found involved in 7 more criminal cases, where he is on bail.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Spl. (Special) Judge Excise-02, "Saran at Chapra, in connection with Mashrakh P.S. Case No.525 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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