

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35167 of 2026

Arising Out of PS. Case No.-325 Year-2025 Thana- DURGAWATI District- Kaimur (Bhabua)

Abhishek Kumar Sharma S/o Ashok Kumar Sharma R/o Village - Indaur, P.S
- Dinara, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 21-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

2. The petitioner is apprehending his arrest in a case in connection with Durgawati P.S. Case No. 325 of 2025 dated 06.10.2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the allegation, total 153 litres of country made liquor was recovered from a car, co-accused Rakesh Kumar was arrested from the said vehicle, while it was stated by Rakesh Kumar that the driver of the vehicle namely Murari fled away.

4. Learned counsel for the petitioner has submitted that the petitioner happens to be owner of the vehicle in



question, from which alleged recovery has been made and he had sold the alleged vehicle to Rakesh Kumar, S/o Kameshwar Chaudhary, resident of Village- Pandauri, P.S.- Nairiganj, District- Rohtas through a sale deed dated 28.09.2025, upon receipt of consideration amounting to Rs.2,00,000/- (Rupees Two Lakhs). It was expressly agreed between the parties that the purchaser, namely Rakesh Kumar, shall be solely and fully responsible for any criminal or legal liability arising in connection with the said vehicle from 28.09.2025 onwards, and the petitioner shall no longer be deemed to be the owner of the vehicle from the said date and furthermore, it was the purchaser's duty and obligation to effect the change of ownership in official records from the name of Abhishek Kumar Sharma to Rakesh Kumar. It has been further submitted that at the time of seizure of the vehicle in question, the same was not under the control of the petitioner and the procedure prescribed under Section 105 of the B.N.S.S. has not been followed. It has lastly been submitted that the petitioner has got no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Heard the parties and perused the record.



7. Considering the facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged 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 the learned Special Judge Excise-II, Kaimur at Bhabua, in connection with Durgawati P.S. Case No. 325 of 2025, subject to conditions as laid down under section 482(2) of the B.N.S.S.

8. Accordingly, the present anticipatory bail application stands allowed.

(Praveen Kumar, J)

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