

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34907 of 2026

Arising Out of PS. Case No.-638 Year-2025 Thana- AGAMKUAN District- Patna

Gulshan Kumar Son of Ravindra Mahto @ Ravindra Kumar Resident of Badi
Pahadi, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

2 20-05-2026 The matter has been taken up today through video
conferencing.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner is apprehending his arrest in
connection with Agamkuan PS Case No 638 of 2025 registered
for the offence punishable under Sections 30 (a)/32 of the Bihar
Prohibition and Excise Act.

4. As per the allegation, 2 liters of foreign liquor was
recovered from a scooty and one Aditya Raj was arrested
driving the said scooty.

5. Learned counsel for the petitioner has submitted
that the petitioner has been made accused being the owner of the
seized scooty in question from which alleged recovery has been
made. It has further been submitted that the petitioner had
given the motorcycle to Aditya Raj on good faith as he said that
he needed the scooty to meet some medical emergency and,
hence, was not aware of the evil design of the co-accused Aditya



Raj. It has further been submitted that no procedure prescribed under Section 105 of the BNSS has been followed. It has also been submitted that at the time of seizure, the scooty was not under the control of the petitioner. It has lastly been submitted that the petitioner has got no criminal antecedents.

6. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Heard the parties and perused the record.

8. Considering the aforesaid 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 court concerned, Patna City, in connection with Agamkuan PS Case No 638 of 2025 subject to the conditions as laid down under Section 482 (2) of the Bharitya Nagrik Suraksha Sanhita.

9. This application stands allowed.

(Praveen Kumar, J)

M.E.H./-

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