

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38694 of 2026

Arising Out of PS. Case No.-1614 Year-2025 Thana- Excise P.S. District- Gaya

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Anil Kumar Gupta S/o Aditya Prasad R/o Village- Tapakhas, 010 Pawan
Hotel Gali, Tapakhas, Ward No.9, P.S- Chandwa, Dist- Latehar, State of
Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabia Gulnaz, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-06-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Excise P.S. Case No. 1614 of 2025 registered for the
offence(s) punishable under Sections 30(a) and 32(3) of the
Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, allegedly
123 litres of illicit liquor was recovered from a car bearing
Registration No.JH-01BS-6939.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Admittedly, at the time of
the alleged seizure and recovery of illicit liquor, petitioner was



not present and he has been made accused in this case, being the owner of the vehicle in question, which was given by the petitioner to co-accused Vikash Kumar Paswan and the same was being driven by him at the time of said incidence and as such the petitioner had no idea that he was carrying liquor on the said car. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties and upon perusal of the allegations made in the FIR and the seizure list, I find that the vehicle in question stands registered in the name of the petitioner. It has further been submitted that the petitioner was not present at the time of the alleged seizure and that his implication in the present case is based solely on the basis of confessional statement of the co-accused recorded before the police, which has no evidentiary value. In the aforesaid facts and circumstances, the learned District Court is directed to call for a report from the District Transport Officer concerned with regard to the vehicle in question so as to ascertain whether, prior to institution of the present FIR, the said vehicle had been involved in any similar



activity. The District Transport Officer must also verify the records of the vehicle as mentioned in the FIR on the basis of its registration number, engine number and chassis number. **In the event, it is found that the vehicle in question had not previously been involved in any such activity, then in that case, the learned District Court shall release the petitioner on pre-arrest bail on such terms and conditions as it may deem fit and proper.**

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

8. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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