

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49058 of 2026

Arising Out of PS. Case No.-346 Year-2025 Thana- Excise P.S. District- Gopalganj

Ashish Kumar S/o Satyendra Prasad R/o vill - Barharia Tola (Near Sadipur),
P.S.- Jamo Bazar, Distt.- Siwan at Present R/o vill - Hariharpur Kala, P.S.-
Jamo Bazar, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-07-2026

Heard the parties.

2. The petitioner apprehends his arrest in connection with Gopalganj Excise P.S. Case No. 346/ 2025 registered for the offence(s) punishable under Section(s) 30(a) and 32 of the Bihar Prohibition & Excise Act.

3. Learned counsel for the petitioner submits that the petitioner has been made accused only on account of the disclosure made by the apprehended co-accused showing the petitioner's involvement in the alleged offences under the Excise Act and according to prosecution, the alleged liquor recovered from the apprehended co-accused was to be delivered to the petitioner however the said allegation is based on the statement made by the apprehended co-accused before the police, which is not admissible in the eyes of law and further, the petitioner bears no criminal antecedent and his prayer is not hit by the provisions of Section 76(2) of the Bihar Prohibition & Excise Act as the alleged offences of the FIR do not attract even prima facie against the petitioner. It is lastly submitted that it is not the case of the prosecution that the petitioner was ever seen



with the apprehended co-accused and the alleged vehicle transporting liquor is not under the ownership of the petitioner.

4. Learned APP appearing for the State opposes the prayer of the petitioner.

5. Considering the aforesaid submissions and the averments made by the petitioner in his petition coupled with his fair and clean antecedent, in my opinion, the petitioner deserves to the relief of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Gopalganj Excise P.S. Case No. 346/ 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

BKS/-

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

