

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3296 of 2025

Arising Out of PS. Case No.-159 Year-2024 Thana- NAGARNAUSA District- Nalanda

Dhuri Prasad @ Vijay Prasad @ Dhuri S/O Late Ram Sohaban Prasad R/O
Vill.- Sahpur Bulwa, P.S.- Nagarnausa, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-02-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Nagarnausa Police Station Case No. 159 of 2024, dated 06.10.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (hereinafter referred to as 'the Act').
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner and co-accused Upendra Prasad were indulged in selling illicit wine, reached at the place of occurrence. On seeing the police party one person succeeded in fleeing away. Upon search, the police recovered 20 liters of country made liquor from a paddy field near the house of the



petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present on the basis of secret information and due to village politics. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioner and/or from the premises belonging to him. Rather, illicit liquor has been recovered from paddy field near his house, which is an open space accessible to all and sundry. The petitioner has got no criminal antecedent.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner is having no criminal antecedent and illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from a paddy field which is open space accessible to all and sundry, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional District and Sessions Judge -cum- Special Judge, Excise II, Nalanda at Bihar Sharif, in connection with Nagarnausa Police Station Case No. 159 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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