

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7102 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- FCI District- Begusarai

Small Kumar @ Kaushal Kumar @ Small S/o Late Sitaram Paswan R/o
Village Ward no. 15, Barauni Urvark Nagar, P.S.- Barauni, Distt.- Begusarai,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harshit Griyaghey
Mr. Ankit Griyaghey
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-03-2025 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 FCI Police Station Case No. 38 of 2024, dated 15.09.2024, disclosing offence under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that on 15.09.2024, the police got secret information that the petitioner was selling liquor from his house, proceeded towards the place of occurrence and on seeing the police, one person fled away from a hut, made of corrugated sheets and bamboos, and upon search, the police recovered 445.86 litres of illicit liquor from the



said hut of the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is having no criminal antecedent and he has been made accused on the basis of secret information and disclosure of his name by the local residents. He next submits that there is contradiction in the place of occurrence mentioned in the First Information Report and the seizure list inasmuch as in the First Information Report, it is mentioned that the illicit liquor has been recovered from the hut of the petitioner; whereas, in the seizure list, it is mentioned that the illicit liquor has been recovered from Railway Choti Line, Bihat Tola, Majhaliwan. The seizure list does not mention the place of recovery of illicit liquor as the hut of the petitioner.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner is having no criminal antecedent, his name transpired in this case on the basis of disclosure made by local residents and there is contradiction in the place of seizure of illicit liquor mentioned in the First Information Report and the seizure list, 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 learned Exclusive Special Excise Court No. I, Begusarai, in connection with FCI Police Station Case No. 38 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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