

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13658 of 2025

Arising Out of PS. Case No.-298 Year-2024 Thana- PAKRIDAYAL District- East Champaran

1. Krishana Kushawaha S/O Ram Suraj Kushwaha, Resident of village- Dumarvana Ward No. 15, P.S-Pakaridayal, District- East Champaran.
2. Pawan Kushawaha, S/O Umesh Kushwaha @ Umesh Prasad, Resident of village- Dumarvana Ward No. 15, P.S-Pakaridayal, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-04-2025 Heard Abhishek Kumar, learned counsel for the
petitioners and Mr. Bharat Lal, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Pakaridayal P.S. Case No. 298 of 2024 dated 22.11.2024 registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act (in short 'Excise Act').

3. The main submissions advanced by learned counsel appearing for the petitioners are that the instant matter relates to the recovery of 138.060 litres of foreign liquor from a Mango orchard and as per the prosecution story, one co-accused Mukesh Kumar Mahto was apprehended at the spot and he



disclosed the name of three co-accused persons including that of the petitioners stating that they had fled away from the place of occurrence, however, the said statement of the apprehended co-accused has no evidentiary value and further, as per the prosecution, the local chowkidar and local persons disclosed the name of the petitioners as being involved in selling the alleged liquor but in the FIR, the names of the said local persons has not been mentioned and on this point, the FIR is completely vague. It is further submitted that apprehended co-accused person disclosed that the alleged mango orchard was of one Sujay Kushwaha, so, the petitioners have no concern to the place of recovery and except the statement made by apprehended co-accused as well as disclosure made by local chowkidar, there is no material to show the petitioners' involvement in the alleged crime, so, the alleged offence of Excise Act does not even *prima facie* attract against the petitioners and their prayer is not hit by the provisions of section 76(2) of the Excise Act. It is lastly submitted that the petitioners have no criminal antecedent and never remained involved in any offence relating to the Excise Act.

4. Learned APP appearing for the State has opposed the prayer of the petitioners.



5. In the facts and circumstances of this case as well as considering the submissions advanced by petitioners’ counsel coupled with fair and clean antecedent of the petitioners, in my opinion, it is a fit case to grant the relief of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Pakaridayal P.S. Case No. 298 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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