

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13599 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- MAHINDWARA District- Sitamarhi

Vijay Kumar @ Vijay Kumar Sah, Son of Ram Ayodhya Sah, Resident of
Village- Nonaura, P.S.- Mahindwara, Distt.- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Anant Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-04-2025 Heard Mr. Ranjeet Kumar Mishra, learned counsel for

the petitioner and Mr. Anant Kumar No. 1, learned APP for the

State.

2. The petitioner apprehends his arrest in connection with Mahindwara P.S. Case No. 125 of 2024 dated 04.09.2024 registered for the offences punishable under sections 30(a), 30(c) and 36 of the Bihar Prohibition and Excise Act (in short 'Excise Act').

3. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of 90 litres of foreign liquor, which is said to have been recovered from a Banana orchard and as per the case of prosecution, one co-accused, namely, Arun Shah was apprehended at the spot by the police party, who revealed the name of this petitioner as



being able to escape from the place of occurrence after seeing the police party and except this, there is no material to show the petitioner's involvement in storing the alleged wine at the alleged place and further, the petitioner has no connection with the place of recovery and in this regard, he has made specific statement in the paragraph No. '8' of his petition. It is further submitted that the petitioner has been made accused mainly on the basis of confessional statement of apprehended co-accused given before the police, which has no evidentiary value and therefore, the alleged offences of the Excise Act do not even *prima facie* attract against the petitioner, so, his prayer is not hit by the provisions of section 76(2) of the Excise Act.

4. Though learned APP has opposed the prayer of the petitioner but accepted that as per the FIR, the alleged wine is said to have recovered from a Banana orchard and the name of this petitioner surfaced in the confessional statement of co-accused, namely, Arun Sah, who was apprehend at the spot.

5. In the facts and circumstances of this case as well as considering the aforesaid submissions advanced by petitioner's counsel and mainly taking into account his plea that he has no connection to the alleged place of recovery, this Court is inclined to grant the relief of anticipatory bail to the



petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail 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 in connection with Mahindwara P.S. Case No. 125 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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