

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16246 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- Excise P.S. District- Sitamarhi

Shrawan Kumar Son of Late Ram Pragas Sah Resident of Village- Najarpur
Ward No. 13, P.S.- Riga, District- Sitamarhi at present residing at Baswariya,
P.S.- Mehsaul, O.P., District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 29-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sitamarhi Excise P.S. Case No. 45 of 2025 registered for the offence punishable under Section 30(a), 32(3) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 706.320 litre illicit foreign liquor was recovered from the house of co-accused Santosh Kumar and he was apprehended on the spot. Apprehended co-accused Santosh Kumar disclosed that he alongwith petitioner is doing business of illicit liquor and both of us have brought the said illicit liquor.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of four cases in which he is on bail. He further submits that except disclosure of apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. There is no compliance of Section 103(4) of BNSS, 2023 while preparing the seizure list. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of



Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Sitamarhi in connection with Sitamarhi Excise P.S. Case No. 45 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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