

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15173 of 2025

Arising Out of PS. Case No.-1417 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Sanjay Kumar Son of Umesh Rai Resident of Village- Sarmastpur, Word No. 6, P.S.- Sakra, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar
		Mr. Mukund Kumar
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 05-03-2025
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 Excise Police Station Case No. 1417 of 2024, dated 05.08.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (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, along with other co-accused person, has kept illicit liquor in a field, near palm tree bush, situated in Keshabpur Ward No. 8, reached at the place of occurrence and saw that persons assembled there succeeded in fleeing away



after seeing the police party. Upon search, the police recovered 13.50 liters of illicit foreign liquor from the field.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He next submits that he has been made accused on the basis of secret information. He further submits that illicit liquor has not been recovered from the conscious possession of the petitioner and/or the premises belonging to him. Rather, the same has been recovered from a palm tree bush in a field situated in village Kesahbpur Ward No. 8, which is an open space accessible to all and sundry. He also submits that the similarly situated co-accused, namely, Pintu Kumar @ Pintu Kumar Rai, has been granted anticipatory bail by this Court in Cr. Misc. No. 88776 of 2024. 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, illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from an open space



accessible to all and sundry and the similarly situated co-accused person has been granted anticipatory bail by this Court, 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 Special Judge Excise Court II, Muzaffarpur, in connection with Excise Police Station Case No. 1417 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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