

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17964 of 2025

Arising Out of PS. Case No.-394 Year-2024 Thana- MAJORGANJ District- Sitamarhi

Shiv Shankar Das S/o- Madan Das Village-Harpur Kalan, Harpur Kala, P.S.-
Majorganj, Majarganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the State : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-04-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Majorganj P.S. Case No. 394 of 2024 dated 22.11.2024 registered for the offences punishable under Section 317(5) of BNS and Sections 30(a), 30(c), 32 and 36 of the Bihar Prohibition and Excise Act, 2022.

3. As per allegation, 180 litre of illicit liquor has been recovered from a motorcycle and a country made pistol and a cartridge were also recovered from the motorcyclist and as per confessional statement Nitesh Kumar, the petitioner is alleged to be associated with illicit trade of liquor.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits there is no recovery from the possession of the petitioner and he was not present at the place of occurrence. The name of the petitioner has transpired only in the confessional statement of co-accused made before the police which has no evidentiary value.

5. On the basis of the material available, no case is made out against the Petitioner under Excise Act and the Petitioner is entitled to get anticipatory bail.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated paragraph no.3 of the bail petition that the petitioner has been made accused in three other case.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Judge-I, Sitamarhi in connection with Majorganj P.S. Case No. 394 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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