

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23579 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- SIKARPUR District- West Champaran

Akshay Kumar S/O Gumti Sharma Village - Prakash Nagar Ward No. 12,
Police Station - Shikarpur, District- West Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mrs.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 08-08-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The accused-petitioner, is not named in the F.I.R., and apprehending his arrest in connection with Shikarpur P.S. Case No. 04 of 2025 registered for the offences punishable under Sections 30(a) & 41(1) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is to have in possession of 1166.580 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery was



made from trolley of tractor which was parked in an open area and was easily accessible by general public, and, therefore, recovery, as alleged, cannot be said to be made from conscious physical possession of this petitioner.

5. It is further submitted that seizure list also appears disputed for the reason that same not supported by independent witnesses, rather by police personnels.

6. It is pointed out that similarly situated co-accused namely, Gabbar Jaiswal @ Raju Ranjan Jaiswal was granted anticipatory bail by this Court through Cr. Misc. No. 21827/2025 dated 02.05.2025.

7. While concluding argument, it is submitted that petitioner found involved in two more criminal cases wherein he is on bail.

8. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

9. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* recovery of illicit liquor was made from



an open area which is accessible by general public, coupled with the fact that seizure list appears supported by police personnels, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Bettiah, West Champaran/ concerned court in connection with Shikarpur P.S. Case No. 04 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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