

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32326 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- KADAMKUAN District- Patna

Shailendra Kumar S/O Dev Nath Mahto R/O Village- Ray Hasanpura Chai
Tola, V.I.P Colony, Arya Kumar Road, P.S- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kadam Kuan P.S. Case No. 24 of 2025 registered for the alleged offence under Section 30(a) Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police received information about selling of illicit liquor. The police party reached the identified place and a large crowd which was assembled there started running away on seeing the police party. The vehicles parked there were searched and one red colour bag was found hanging on a Scooty from which, recovery of 12.9 liters of country made liquor was made. The said Scooty and recovered liquor were seized and on inquiry from the local



people, police came to know that the seized liquor and Scooty belong to this petitioner, which was registered in the name of his wife, Pooja Kumari.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is apparent from the FIR that the Scooty was parked in an open place. The petitioner and his wife went to attend a party in the house of his friend and parked the Scooty in public place. They have no knowledge who hanged the bag containing liquor in his Scooty. Being a public place and accessible to all, any body could have put the liquor on Scooty as is apparent from the FIR. Moreover, the Scooty stands in the name of wife of the petitioner and except for suspicion, there is no material against this petitioner. Learned counsel further submits that no recovery has been shown from the person or possession of this petitioner and no offence under the provisions of Bihar Prohibition & Excise Act is made out against the petitioner. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



fact that no recovery has been shown from the petitioner and further considering the strong possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna/court concerned in connection with kadamkuan P.S. Case No. 24 of 2025, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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