

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23862 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- Excise P.S. District- East Champaran

Ramji Prasad @ Ramji Sah S/O Ram Bhajan Sah Resident of village-
Laxmipur, P.S- Lakhaura, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 130 of 2025 registered for the offences punishable under Sections 30(a) and 37 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, altogether 2.450 litre illicit liquor was recovered from possession of three apprehended co-accused persons, namely, Dinesh Singh, Arvind Kumar and Ajay Kumar and they disclosed that petitioner gave the alleged liquor to them. Further, 20 litre illicit liquor was also recovered from the heap of straw.

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 was not found at the place of occurrence. He further submits that except disclosure of the co-accused persons, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Learned counsel orally submits that the place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner. He has nothing to do with the alleged recovery. Petitioner bears criminal antecedent of one case in which he is on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions 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 No. 2, East Champaran, Motihari in connection with Excise P.S. Case No. 130 of 2025, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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