

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23710 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- KISHANGANJ District- Kishanganj

1. Rupa Goswami W/O Late Raju Goswami R/O Thakurbari Road, Ward no 12, Kishanganj, PS- Kishanganj, Distt.- Kishanganj
2. Kaili Goswami W/O Late Pradeep Goswami R/O Thakurbari Road, Ward no 12, Kishanganj, PS- Kishanganj, Distt.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

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

2. The petitioners apprehend their arrest in connection with Kishanganj P.S. Case No. 92 of 2024, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. The case of the prosecution, in short, is that on the basis of secret information, during search, total 46 liters of country made wine was recovered from a tin room adjacent to the room of the petitioners. Seizure list was prepared and the name of the petitioners were disclosed by the apprehended persons/co-accused persons. The petitioners thus being involved



in the trade of illicit liquor are being rightly prosecuted for violation of Section 30(a) of Bihar Prohibition and Excise Act.

4. Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in this case. Petitioner no. 2 has no criminal antecedent whereas petitioner no. 1 has one criminal antecedent vide Kishanganj P.S. Case No. 470 of 2023 under the Excise Act. The petitioners further submits that no liquor has been recovered from their conscious possession. Also the liquor has not been seized from their residence, it was recovered from a tin room adjacent to their house. Another thing to be noted is that the seizure list was prepared but two independent witnesses were not present which puts a serious question mark about the legality and validity of the seizure.

5. Learned A.P.P. for the State opposes the prayer of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the present case, this Court is inclined to grant privilege of anticipatory bail to the petitioners.

7. Let the petitioners, named above, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of



Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Exclusive Special Judge (Excise-I), Kishanganj in connection with Kishanganj P.S. Case No. 92 of 2024, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

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