

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23871 of 2025

Arising Out of PS. Case No.-442 Year-2019 Thana- GARDANIBAG District- Patna

Pintu Ram S/O Rambrij Ram @ Rambriksh Ram R/O Village- Yarpur
Mahadalit Tola, Ambedkar Colony, P.S.- Gardanibagh, Dist.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Raj

For the Opposite Party/s : Mr.Ram Naresh Ray

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 Gardanibagh P.S. Case No. 442 of 2019 registered for the offences punishable under Sections 30(a) and 34 of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, informant got secret information that petitioner and others after bringing the illicit liquor, are trying to sell the same at Indira Awas situated at Yarpur Mahadalit Tola. On the said information, the informant alongwith police team reached there and recovered 10.400 litre illicit liquor from the place of occurrence.

4. Learned counsel for the petitioner 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. Seizure list has not been made as per the law. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. 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, keeping in view clean antecedent of petitioner, 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 Special Judge Excise Act-I, Patna in connection with Gardanibagh P.S. Case No. 442



of 2019, 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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