

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32252 of 2025

Arising Out of PS. Case No.-512 Year-2024 Thana- MAHARAJGANJ District- Siwan

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1. Shivam Pandey @ Shivam Kumar Pandey Son of Late Shankar Pandey Resident of village - Risaura, P.S.- Maharajganj, Distt.- Siwan.
 2. Ankit Pandey @ Ankit Kumar Pandey Son of Late Shankar Pandey Resident of village - Risaura, P.S.- Maharajganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Maharajganj P.S. Case No. 512 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on receipt of secret information about petitioner Shivam Pandey keeping illicit liquor in his house, a raid was conducted and when the police reached the house of petitioner Shivam Pandey, three persons fled away from the spot leaving behind a motorcycle. The persons who assembled there disclosed the name of petitioners as well as co-accused Deepak Pandey who fled away from the



spot. From the search of the motorcycle, 14.76 litres of India made foreign liquor was made.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioners. Petitioner were neither present at the spot and nor apprehended by the police. Petitioners have no concern with the seized motorcycle or the seized liquor. No offence under the provision of Bihar Prohibition and Excise Act is made out against the petitioners. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioners and further considering the clean antecedent of petitioners coupled with possibility of false implication, let the petitioners, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two



sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Siwan/concerned court in connection with Maharajganj P.S. Case No. 512 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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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