

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26279 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- Excise P.S. District- Samastipur

Mukesh Kumar Son of Sonelal Sah R/O Vill- Pethiya Gacchi, P.S.- Muffasil,
District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-05-2025 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 Town P.S. Case No. 67 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, 11.595 litre illicit foreign liquor was recovered from the sack kept beside the staircase which was located outside the house of the petitioner.

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 bears no criminal antecedent. He further submits that alleged recovery has been made from joint property and



petitioner cannot be held responsible for the alleged recovery. He further submits that place of recovery is an open place which is accessible to all. Seizure list has not been made as per mandatory provision of Section 103 of BNSS, 2023. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision 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 Exclusive Special Judge, Excise-02, Samastipur in connection with Excise Town P.S. Case No. 67 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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