

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32582 of 2025

Arising Out of PS. Case No.-44 Year-2024 Thana- Bhopatpur District- East Champaran

Kanhaiya Nat @ Kanhai Nat S/o Natu Nat R/o Vill.- Bajhiya Khurd, P.S.-
Bhopatpur, Distt.- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Baidhyanath Thakur, Adv.
For the State : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bhopatpur P.S. Case No. 44 of 2024 registered for the offence punishable under Sections 30(a), 32 and 41(i) of Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, 14 litre illicit country made liquor was recovered from the bags in question which were found in Bhopatpur Bajiya Bazar. Local people and Chowkidar disclosed the name of petitioner and other who fled away from the spot.

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.



Learned counsel further submits that no incriminating article has been recovered from possession of the petitioner rather the alleged recovery has been made from public place and petitioner cannot be held responsible for the same. Petitioner bears criminal antecedent of one case in which he is on bail. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. In the light of 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, 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 Court-1, East Champaran, Motihari in connection with Bhopatpur P.S. Case No. 44 of 2024, subject to the conditions as



laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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