

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29915 of 2025

Arising Out of PS. Case No.-101 Year-2025 Thana- AMAUR District- Purnia

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Raj Kumar Sharma S/o Pashupati Nath Sharma R/o Village- (Sharma Tola)
Khadi Mahingaon, P.S.- Amour, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Kumar Bhagat

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Amour P.S. Case No. 101 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition Excise Act, 2016.

3. As per prosecution case, 1.500 litre foreign liquor was recovered below the staircase of the petitioner's house and the petitioner succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that the place from where the alleged recovery has been made, does not belong to the petitioner rather the same is joint house property and petitioner cannot be held liable for the alleged



recovery. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner bears criminal antecedent of one case in which he is on bail. 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, 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 Excise Judge Court No. - 2, Purnea in connection with Amour P.S. Case No. 101 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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