

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29859 of 2025

Arising Out of PS. Case No.-150 Year-2025 Thana- KADAMKUAN District- Patna

Roushan Kumar @ Raushan Kumar S/o Kaushal Ram Resident of Machali Market, Machhua Toli, Police Station- Kadamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Kadamkuan P.S. Case No. 150 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of 50 liters illicit country made liquor kept in two bags from the roof of a house near Machhuatoli Machhli Bazar. The persons assembled nearby the place of occurrence disclosed the name of the present petitioner who is said to have fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the first information report and he has been falsely implicated in this case. The house from where the alleged recovery has been made does not belong to the petitioner, as stated in para 7 of the petition. He further submits that except disclosure of the persons assembled nearby the place of occurrence, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears no criminal antecedent. Learned counsel further submits that petitioner is an employee of Patna Municipal Corporation and is getting handsome salary, and as such, the story of police is not reliable that he will indulge in such type of offence. Further, seizure list has not been made as per law. 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 vehemently 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Excise II, Patna in connection with Kadamkuan P.S. Case No. 150 of 2025, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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