

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32122 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- SAMHO District- Begusarai

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Amit Kumar S/O Mannu Singh R/O Vill.- Ladhauna, P.s.- Shamho, Dist.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Navin Kumar Pandey

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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 Shamho P.S. Case No. 07 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, informant got secret information that petitioner and other are carrying illicit liquor on the motorcycle towards Sarlahi. On the said information, informant along with police official reached at the spot. It is alleged that after seeing the police team two persons managed to escape after throwing the sack. It is further alleged that 4.875 litre illicit foreign liquor was recovered from the sack in question.



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 criminal antecedent of one case in which he is on bail. He further submits that petitioner was not found on the place of occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has no concern with the seized liquor. He further submits that alleged recovery has been made from an open place which is accessible to all and petitioner cannot be held responsible for the alleged recovery. 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 Exclusive Special
Excise Judge-II, Begusarai in connection with Shamho P.S.
Case No. 07 of 2025, 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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