

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34921 of 2025

Arising Out of PS. Case No.-380 Year-2020 Thana- MADHEPURA District- Madhepura

Gurusharan Sardar @ Gurumukh Singh S/o- Basudev Sardar Resident of
village- Garha Rampur Sardari Tola Ward no 9 PS- Shankarpur, Dist-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Kumar, Adv.

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection
with Madhepura P.S. Case No. 380 of 2020-21 corresponding
to Excise Case No. 162 of 2021 registered for the offences
punishable under Sections 30(a), 30(c) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is alleged
recovery of 15 liters illicit liquor from the open courtyard of the
petitioner and 200 liters Java Jagerry solution from the last end
of the courtyard of the petitioner.

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 place from where the alleged recovery has been made is the joint house and petitioner cannot be held liable for the alleged recovery. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of one case in which he is already 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 vehemently 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 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 Additional Sessions Judge VII-cum-Special Judge, Excise Judge 2nd, Madhepura in connection with Madhepura P.S. Case No. 380 of 2020-21, subject to the conditions as laid down under section 438(2) of



the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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