

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32124 of 2025

Arising Out of PS. Case No.-271 Year-2025 Thana- SITAMARHI District- Sitamarhi

Subodh Singh @ Subodh Kumar Son of Kailash Singh @ Baheru Resident of
Village - Bariyarpur Husaina Road Ward No.- 37 (Old Ward No.- 04), P.S.-
Sitamarhi, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

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. Petitioner is apprehending arrest in connection
with Sitamarhi P.S. Case No. 271 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 66.76 liters of illicit liquor from the *Dalan* 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. Petitioner was not found at the
place of occurrence. The place from where the alleged recovery



has been made is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Petitioner has no concern with the recovered illicit liquor. Seizure list has not been made as per law. No incriminating article has been recovered from possession of the petitioner. Petitioner has 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 Exclusive Special Excise Court-II, Sitamarhi in connection with Sitamarhi P.S. Case No. 271 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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