

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31761 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- DEV District- Aurangabad

Sanjeet Sikari S/o- Late Rampati Sikari Village- Pasiya Bhandari, P.S. Deo,
Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Leelawati Kumari, Adv.

For the Opposite Party/s : Ms.Indu Kumari Srivastava, 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 Deo P.S. Case No. 65 of 2025 registered for the offences punishable under Sections 30(a) and 37 of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, there is alleged recovery of 50 liter illicit Mahua liquor from the forest area situated at 500 meters from Banda Hill. 300 liters of *Mahua Java* was destroyed at the spot. One motorcycle was also found at the place of occurrence. People of nearby disclosed the name of the present petitioner who is said to have been involved in preparation of illicit liquor and he used to sell the same through the motorcycle in question.



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. 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 is not in any way connected either with the alleged recovered illicit liquor or with the motorcycle in question. No incriminating article has been recovered from possession of the petitioner. Seizure list has not been made as per law. Petitioner bears no criminal antecedent. 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 Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court I, Aurangabad in connection with Deo P.S. Case No. 65 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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