

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32114 of 2025

Arising Out of PS. Case No.-320 Year-2025 Thana- MADHEPURA District- Madhepura

SUMAN KUMAR @ FADO S/o- Shyamsundar Yadav Village- Rariyaha
W.No-9, Ps- Ghailarh OP Dist- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2025 Learned counsel for the petitioner is permitted to make necessary correction in para-16 of the bail petition during course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with Madhepura (Ghailarh) P.S. Case No. 320 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

4. As per prosecution case, informant got secret information that petitioner is preparing illicit country made liquor in his *Bathan*. On the said information, informant along with other police officials reached there. It is alleged that after seeing the police team, petitioner managed to escape. It is



further alleged that 20 litre illicit country made liquor and other apparatus were recovered from the *Bathan* of the petitioner.

5. 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 no criminal antecedent. He further submits that source of information has not been disclosed in the FIR. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. He further submits that place of recovery is an open place which is accessible to all and petitioner cannot be held responsible for the alleged recovery. Seizure list has not been prepared as per law. 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.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of the 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 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 District & Additional Sessions Judge-V-cum Special Judge, Excise Court-1, Madhepura in connection with Madhepura (Ghailarh) P.S. Case No. 320 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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