

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32915 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- Excise Benipatti District- Madhubani

Rohit Kumar S/O Ramashish Sah R/O Vill.- Nahash Rupauli, Ward no. 4, P.s.-
Bisfi, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Kumar Jha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Benipatti Ecise P.S. Case No. 28 of 2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, the police has recovered total 270 liters of illicit Nepali country-made liquor from the car of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was neither apprehended on spot nor anything



incriminating has been recovered from his conscious possession. The petitioner is the registered owner of the alleged motorcycle. The petitioner had no idea that his motorcycle was going to be used by his co-villager for transporting the illicit liquor. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Kanhaiya Kumar has been granted regular bail by this Court vide order dated 16.04.2025 passed in Cr. Misc. No. 22867 of 2025.

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

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Benipatti Excise P.S. Case No. 28 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

