

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34056 of 2025**

Arising Out of PS. Case No.-27 Year-2025 Thana- PARBATTa District- Khagaria

Raghuvir Kumar @ Raghu son of Ramesh Singh Resident of Village  
-Nayagaon Shiromani Tola PS -Parbatta District -Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Rahul Singh

For the Opposite Party/s : Ms.Meena Singh

**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. The petitioner is apprehending his arrest in connection with Parbatta P.S. Case No. 27 of 2025 registered for the offence punishable under Section 61(2) of B.N.S. and 30(a), 41(1) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 3072.6 litre illicit foreign liquor was recovered from container in question and two persons namely Asif Khan and Abhijeet Kumar were apprehended on the spot. Apprehended co-accused Abhijeet Kumar disclosed that on the instruction of petitioner, he sat on the said container.

4. 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 one criminal antecedent in which he is on bail. He further submits that except disclosure of apprehended co-accused Abhijeet Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner is not owner of the container in question. Petitioner has no concern with the seized liquor. There is no compliance of Section 103 of BNSS in preparation of seizure list. 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.

5. The learned A.P.P. for the State 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 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 Special Excise Judge-  
2nd, Khagaria in connection with Parbatta P.S. Case No. 27 of  
2025, subject to the conditions as laid down under Section  
482(2) of B.N.S.S.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

shahzad/-

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