

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38857 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- NATIONAL HIGHWAY District-
Samastipur

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Akhilesh Kumar S/o- Ramsevak Singh Resident of village- Muradpur, P.S.-
Bangra Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raja Ram Mishra, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Bangra P.S. Case No. 12 of 2025, dated
22.01.2025, registered for the offences punishable under Section
30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, 9 litre illicit liquor has been
recovered from the bush and as per further case of the police,
this liquor was concealed by the petitioner on the place of
recovery.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that there is no recovery from the



possession of the petitioner or from his house. He also submits that illicit liquor has been recovered from an open space which is accessible to the public at large. As such, no offence is made out against the petitioner under the Excise Act and the present anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Bangra P.S. Case No. 12 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following



conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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