

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36262 of 2025

Arising Out of PS. Case No.-53 Year-2025 Thana- Mufassil District- Khagaria

Surya Kumar @ Suraj Kumar son of Daya Shankar Yadav @ Dayashankar
Yadav R/O- Nakkahumandal Tola PS- Muffasil District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-06-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Muffasil Police Station Case No. 53 of 2025, dated 12.04.2025, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner and other accused person are indulged in selling illicit liquor, which has been kept near the house of the co-accused Vikas Kumar @ Anand Kumar at Nankhu Mandal Tola, reached at the place of occurrence and saw that one person, on seeing the the police, started fleeing away and succeeded in it. Upon search, the police



recovered 42.750 liters of foreign liquor from five cartons hidden under hay and plastic.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to oblique motive and village politics. The name of the petitioner has transpired on the basis of secret information. He next submits that illicit liquor has not been recovered from conscious possession of the petitioner and/or from the premises belonging to him. Rather, illicit liquor has been recovered from near the house of co-accused Vikas Kumar @ Anand Kumar, which is open space accessible to all and sundry.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the name of the petitioner has transpired on the basis secret information and illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from open space accessible to all and sundry, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest



or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise I, Khagaria, in connection with Muffasil Police Station Case No. 53 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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