

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34068 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Krishna Kumar @ Krishan Kumar @ Kishan Kumar @ Kishan Kumar Rajak
S/o Moti Lal Rajak Resident of village- Dhobi Ghat, Yogiya Math, P.S.-
Muzaffarpur Town, Distt.- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sagar Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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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 Town P.S. Case No. 105 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022 (Amended).

3. As per prosecution case, 51.450 litre illicit foreign liquor was recovered from the asbestos house of co-accused Anita Devi. Apprehended co-accused Anita Devi disclosed the name of petitioner and other who are indulged in the business of illicit liquor.

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 no criminal antecedent. He further submits that except disclosure of apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. 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 alleged recovery has been made from asbestos house which is a joint house property and petitioner cannot be held responsible for the alleged recovery. Seizure list has not been made 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.

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, 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 Special Judge, Excise Court No. 1, Muzaffarpur in connection with Town P.S. Case No. 105 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)

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