

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34016 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- Excise Benipatti District- Madhubani

Ahlad Kumar @ Ahalad Kumar Son of Kishori Sah @ Kishori Panjiyar
Resident of Village- Jale, P.S.- Jale, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Bhanu Pratap 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 Benepatti P.S. Case No. 162 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 6.750 litre illicit liquor was recovered from Hero Splendor Plus motorcycle in question and co-accused Kishori Sah was apprehended on the spot.

4. Learned counsel for the petitioner orally submits petitioner is not named in FIR and during the course of the investigation the name of the petitioner has been surfaced in this case as the owner of the said motorcycle in question. Petitioner was not found at the place of occurrence. No incriminating



article has been recovered from his conscious possession. He further submits that apprehended co-accused Kishori Sah has taken the said motorcycle and he has misused the same. Petitioner has nothing to do with the alleged occurrence. Seizure list has not been made as per law. 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. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions 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 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 Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani in



connection with Benepatti Excise P.S. Case No. 162 of 2024
corresponding to G.O. No. 2379 of 2024, subject to the
conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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