

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34737 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- SAKRA District- Muzaffarpur

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Sushil Kumar @ Sushil Kumar Singh S/o Krishnanadan Prasad Singh @
Krishna Nandan Prasad Singh R/o Village- Manika Mushahari, P.S.-
Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Dev, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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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 Sakra P.S. Case No. 120/2025 registered for the offences punishable under Sections 30(a), 32(i) (ii), 36 and 41 (i)(ii) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 1647.8 liters foreign liquor from the pick-up van in question. Apprehended co-accused Ajit Kumar disclosed that said illicit liquor was being brought at the behest of the petitioner and others.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner bears one criminal antecedent in which he is on bail. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. He further submits that the petitioner is neither the owner nor the driver of the seized vehicle in question. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed 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 Judge, Excise Court No.1, Muzaffarpur in connection with Sakra P.S. Case



No. 120/2025, subject to the conditions as laid down under
Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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