

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35946 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- KUDRA District- Kaimur (Bhabua)

Bittu Malhori S/o Krishna Malhori @ Krishna Mali R/o Village- Kudra, P.S.-
Kudra, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-06-2025 Learned counsel for the petitioner is permitted to make necessary correction in Paragraph 6 of the instant bail petition filed on behalf of the petitioner, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with Kudra P.S. Case No. 130 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition Excise and Amendment Act, 2022.

4. As per prosecution case, informant received information that petitioner has brought liquor in truck at Village Kudra near water tank and unloading the truck with his 4-5 associates. Thereafter, informant alongiwth police officials



reached at the place of occurrence and recovered 743.040 litre foreign liquor from the truck in question.

5. 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. Learned counsel for the petitioner submits through paragraph 10 of the instant bail petition that petitioner is not the owner of the said truck in question. Seizure list has not been made as per law. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner bears criminal antecedent of two cases in which he is on bail. He has nothing to do with the alleged recovery. 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.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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 Ist, Kaimur at Bhabua in connection with Kudra P.S. Case No. 130 of 2025, subject to the conditions as laid down under Section 482 (2)of BNSS.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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