

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34887 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- KANHAULI District- Sitamarhi

Barelal @ Lav Kumar S/o Bhikhari Rai @ Bhikhari Yadav R/o Village
Ramnagara Ward No.12 PS Kanhauli Dist Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Raj Ballabh 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. Petitioner is apprehending arrest in connection with Kanhauli P.S. Case No. 42 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 342 liters illicit liquor from the heap of straw kept behind the house of Ramnath Sah. The local chowkidar disclosed the name of the petitioner who is said to have fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated



in this case. The place from where the alleged recovery has been made is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Except disclosure of the Chowkidar, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of five cases in which he is on bail. Because of having criminal antecedent, petitioner has been roped in one case after another without any basis. 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. Learned counsel submits that petitioner is ready to cooperate in the investigation.

5. The learned A.P.P. for the State vehemently opposes 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of Exclusive Special Excise Court No. I, Sitamarhi in connection with Kanhauli P.S. Case No. 42 of 2025, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial Court bringing to its notice that petitioner despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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