

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36008 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- KALUAHI District- Madhubani

Vishal Kumar Bhagat @ Vishal Kumar S/O Kishun Bhagat @ Krishna Bhagat
R/O Village- Malmal, Kachahari Tol, P.S- Kaluahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Nitu Kumari, Adv. Mr. Jitendra Kumar Bharti, Adv.
For the Opposite Party/s	:	Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kaluahi P.S. Case No. 46/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, the informant got secret information that the petitioner is transporting liquor in a sack which was tied to the carrier of an old motorcycle. Thereafter, the informant alongwith police officials reached at the place of occurrence and recovered 27 liters Nepali country made liquor from the motorcycle in question.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner bears no criminal antecedent. He further submits that the name of the petitioner has been transpired in this case on the basis of secret information and the source of secret information has not been divulged in the FIR, which questions the authenticity of the FIR and the petitioner cannot be held liable for the alleged recovery. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not in any way connected with the alleged occurrence. Seizure list has not been prepared as per law. 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, 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 District and Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Kaluahi P.S. Case No. 46/2025 corresponding to G.R. No.460/2025, 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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