

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36512 of 2025

Arising Out of PS. Case No.-264 Year-2024 Thana- SONEPUR District- Saran

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Baban Kumar S/O Ashok Ray R/O Village- Chaharam Ward No. 11, P.S-
Sonepur, Distt.- Saran, Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-06-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Sonepur P.S. Case No.264 of 2024, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, the total recovery of 19.760 litres english wine has been made from inside of garbage, which is subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that nothing has been recovered from petitioner's possession. The said recovery has been made from public place inside garbage. He further submits that petitioner's name has figured in this case only and only at the instance of local *chowkidar* with whom petitioner's relation is not good.



5. Counsel submits that the criminal antecedent of the petitioner is not clean as there is one criminal case pending against him in which he is on bail. He further submits that the said recovery is very small quantity. He further submits that the *chowkidar* has given statement that the petitioner used to do business of liquor and due to this reason, his name has been inserted in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that antecedent of the petitioner is not clean and the said recovery has been made from garbage.

7. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Excise Judge-2, Saran at Chapra, in connection with Sonepur P.S. Case No. 264 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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