

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43230 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- SHEOHAR District- Sheohar

Mukesh Kumar S/o- Laxman Sah Resident of Village - Harnahi, P.S. - Sheohar, District – Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sheohar P.S. Case No. 128/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 198 liters Nepali Sofia wine from the car in question. Apprehended co-accused Chandan Patel disclosed the name of the petitioner who 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 FIR. Except confessional statement of co-accused, there is



nothing on record to demonstrate the complicity of the present with the alleged occurrence. The petitioner bears one criminal antecedent in which he is on bail. 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. He orally submits that the petitioner is not the owner of the said car. The petitioner is not in any way connected with the alleged occurrence. He further submits that there is no compliance of Section 103 of B.N.S.S. 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 and submits that there is alleged recovery of 195 liters Nepali Sofia from the said car and the petitioner cannot escape from the liability of the said recovery.

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 Court of learned Exclusive Special Excise Judge, Sheohar in connection with Sheohar P.S. Case No. 128/2025, 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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