

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39356 of 2025

Arising Out of PS. Case No.-93 Year-2025 Thana- MAHISHI District- Saharsa

Vikash Kumar S/o Dilip Mukhiya Resident of Sahorwa, Ward No. 5, Birgaon,
P.S.- Mahishi (Jalai), District- Saharsa Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 01-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mahishi P.S. Case no. 93 of 2025 instituted for the offence under Sections 30 (a) of the Bihar Prohibition and Excise (Amendment) Act 2016.

3. The case of the prosecution is that altogether 10 liters of country made liquor was recovered.

4. Learned counsel for the petitioner has submitted that petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that the petitioner was not apprehended on the spot and nothing has been recovered from the physical possession of the petitioner. From perusal of the seizure list, learned counsel for the petitioner submits that the place from where the recovery has been made is



mentioned as Soharwa village whereas from the FIR, it is clear that the recovery was made from the 'hut'. It is further submitted that the '*hut*' does not belong to the petitioner. Name of the petitioner has surfaced on the basis of the confessional statement of local '*chowkidar*'. Further submission is that the petitioner is a man of clean antecedent.

5. Learned APP appearing for the State opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Mahishi P.S. Case no. 93 of 2025, he will be enlarged on 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 Exclusive Special Excise Judge No.1, Saharsa, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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