

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41188 of 2025

Arising Out of PS. Case No.-348 Year-2024 Thana- Excise P.S. District- Madhubani

Lakshmi Kamat @ Lakshmi Kumar Kamat S/O Late Garbhu Kamat R/O
Vill.- Ekhari, Ward no. 6, P.s.- Ladaniya, Dist.- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Vinod Kumar, Adv. Mr. Rajesh Kumar, Adv.
For the State	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise Thana Sadar P.S. Case No. 348 of 2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 1980 litre Nepali country made liquor was recovered from abandoned tin shed and the villagers disclosed that seized liquor belongs to the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and due to village politics, he has been falsely implicated in this case. Learned counsel further submits that



place of recovery is an open place which is accessible to all and hence, petitioner cannot be held responsible for the alleged recovery. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. petitioner bears no criminal antecedent. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that prosecution story reveals that seized liquor belongs to the petitioner and hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the 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 Excise Thana Sadar Case No. 348 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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