

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42280 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- FESHAR District- Aurangabad

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1. Pappu Kumar S/O Kamlesh Yadav R/o Village- Thegwa, P.S- Fesar, Distt.- Aurangabad.
 2. Ranjeet Kumar @ Ranjit Kumar S/O Kamlesh Yadav R/o Village- Thegwa, P.S- Fesar, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Singh, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-07-2025 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Fesar P.S. Case No. 55 of 2025 registered on 19.05.2025 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution, total recovery of 46.5 liters Indian Made Foreign Liquor, loaded on a motorcycle, is the subject matter of the present case.

4. It is submitted by the learned counsel for the petitioners that the petitioners are innocent and have committed no offence. It is contended that the name of the petitioners



surfaced only on disclosure made by the villagers, and there is no substantive evidence against them. Nothing has been recovered from their possession. It is further submitted that the alleged recovery, including the motorcycle, was made from a road near a canal and not from the direct possession of the petitioners. Petitioner no.1 has a clean criminal antecedent, whereas petitioner no.2 is stated to be an accused in one other case registered under the Excise Act.

5. Learned APP for the State opposes the prayer for bail and submits that illicit liquor has been recovered on the basis of confidential information. It is further submitted that petitioner no.2 is also an accused in another case under the Excise Act.

6. Considering the fact that antecedent of petitioner no.1 is clean, he is directed to be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the learned Special Judge, Excise-II, Aurangabad, in connection with Fesar P.S. Case No. 55/2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita,



2023.

7. Nevertheless, considering the fact that petitioner no.2 is an accused in another case registered under the Excise Act, this Court is not inclined to grant anticipatory bail to petitioner no.2. Accordingly, the prayer for anticipatory bail of petitioner no.2 in connection with Fesar P.S. Case No. 55 of 2025, pending before the learned Special Judge, Excise-II, Aurangabad, stands rejected. However, if he surrenders before the Trial Court within a period of six weeks from today, the Trial Court shall consider and dispose of his surrender-cum-bail application on the same day, in accordance with law, without being prejudiced by the fact that his anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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