

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43318 of 2025

Arising Out of PS. Case No.-369 Year-2025 Thana- SITAMARHI District- Sitamarhi

Rakesh Kumar Son of Anup Singh @ Anuplal Singh Resident of Village - Bhupbhairo, Ward No.- 10, P.S.- Sitamarhi, District - Sitamarhi 843302.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

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 Sitamarhi P.S. Case No. 369 of 2025 registered for the offences punishable under Section 30 (a) of Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per prosecution case, 11.250 litre illicit liquor was recovered from the field and it is alleged that field belongs the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is on bail. He further submits that alleged place of recovery is an



open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovered liquor. He further submits that seizure list has not been prepared as per law. In the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there is alleged recovery of 11.250 litre illicit liquor from the field of the petitioner and petitioner cannot escape from the liability of the alleged 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 Special Judge, Exclusive Excise Court-02, Sitamarhi in connection with Sitamarhi P.S. Case No. 369 of 2025, subject to the conditions



as laid down under Section 482(2) of the B.N.S.S

(Alok Kumar Pandey, J)

vashudha/-

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