

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43226 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- SISWAN District- Siwan

Kanhaiya Bind @ Kamhaiya Prasad S/O Hira Bind Resident of Village-
Bhagar Nai Basti, PS- Siswan, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, 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 Siswan P.S. Case No. 44/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, on secret information 80 liters country made *mahua* liquor was recovered from the field of Gopal Je under the bundle of maize. Local people disclosed the name of 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. He further submits that from perusal of FIR, it is not



clear who has divulged the name of petitioner, which questions the authenticity of the FIR. The petitioner bears no criminal antecedent. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from conscious possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not the owner of the said field from which recovery was made. He further submits that place of recovery is an open place which is accessible to all and the petitioner cannot be held liable for the same. The petitioner is not in any way connected with the alleged occurrence. There is no compliance of Section 103 of the 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 80 liters country made *mahua* liquor was recovered from the field of Gopal Je under the bundle of maize and local people disclosed the name of petitioner who fled away from the place of occurrence and hence, the petitioner cannot escape from the liability of the same.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of 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 Court of learned Exclusive Special Judge, Excise Court No. II, Siwan in connection with Siswan P.S. Case No. 44/2025, 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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