

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43335 of 2025

Arising Out of PS. Case No.-508 Year-2023 Thana- NARPATGANJ District- Araria

Vijay Pandit S/o Late Rameshwar Pandit R/o Village- Jimrahi Sonapur, P.S.-
Bathnaha, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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 Narpatganj (Bathnaha) P.S. Case No. 508 of 2023 registered for the offence punishable under Section 30(a) of Bihar Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 39 litre Nepali Umanga country made liquor from the bamboo orchard and FIR has been lodged against unknown.

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. He further submits that from perusal of the FIR it is clear that alleged recovery has been made from the bamboo orchard of



Vijay Pandit, who is petitioner in the present case but while lodging the FIR, his name has not been mentioned in the accused column. Learned counsel orally submits that during course of investigation, name of the petitioner has been surfaced in this case and he is apprehending his arrest and hence, he has filed the present petition for grant of anticipatory bail. Learned counsel further submits that in the impugned order, it has been mentioned that petitioner is named in the FIR and he is habitual offender but the said fact is nothing but error on record as petitioner has no criminal antecedent and he is also not named in the FIR, which is evident from the FIR itself. He further submits that place of recovery is an open place and same is accessible to all and hence, petitioner cannot be held responsible for the alleged recovery. Search and seizure have not been made as per law. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. 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 39 litre Nepali Umanga country made liquor was recovered from the



bamboo orchard of the petitioner and hence, petitioner cannot escape from the liability of said recovery.

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 Exclusive Special Judge, Excise-1, Araria in connection with Narpatganj (Bathnaha) P.S. Case No. 508 of 2023, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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