

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43866 of 2025**

Arising Out of PS. Case No.-112 Year-2025 Thana- NAUTAN District- Siwan

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Sonu Gupta S/o Parmeshwar Gupta R/o Village- Sirisiya, P.S.- Nautan,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
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 arrest in connection with Nautan P.S. Case No. 112 of 2025 lodged on 14.05.2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of Exclusive Special Excise Court no.II, Siwan.

3. As per the prosecution, FIR has been lodged against the sole petitioner. Total recovery of 45 litres of country made liquor has been made which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioner and the said recovery was made from the bush far away from the house of the petitioner. Counsel submits that the petitioner has falsely been implicated in this case at the instance of local *chowkidar*. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one case pending against him in which, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there is one case pending against him which is registered under Excise Act and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty that if, petitioner surrenders before the Trial Court within a period of six weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering that whether ingredients of Excise Act is made out against petitioner in this case or not, without being prejudice that the anticipatory bail of



the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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