

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43332 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- SIRISIYA District- West Champaran

Prahlad Kumar S/o Pramod Mahto R/o Village- Grabhuwa Lala Tola, P.S.-
Sirisiya, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Nand Kumar

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 Sirisiya P.S. Case No. 56 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, on the basis of secret information, 4.5 litre illicit foreign liquor was recovered from the bag which was thrown by the petitioner in maize field and petitioner is said to have fled away from the spot.

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 from perusal of the FIR, it is not clear as to who has divulged the name of the petitioner and hence, the authenticity of the FIR is doubtful. He further submits that alleged recovery has been made from a bag which was found in maize field and said field is an open place and same is accessible to all and hence, petitioner cannot be held responsible for the alleged recovery. No incriminating article has been recovered from conscious possession of the petitioner. 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 4.5 litre illicit foreign liquor was recovered from the bag which was thrown by the petitioner in maize field and hence, petitioner cannot escape from the liability of said 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 Exclusive Special Judge, Excise Court-1, Bettiah, West Champaran in connection with Sirisiya P.S. Case No. 56 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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