

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43334 of 2025

Arising Out of PS. Case No.-180 Year-2025 Thana- Excise P.S. District- Madhubani

Sanjay Kumar Sah @ Sanjay Sah S/o Late Mahavir Sah R/o Village-
Maharajganj, P.S.- Town, Dist.- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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 Sadar Excise P.S. Case No. 180 of 2025 arising out of G.O. Case No. 489 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, informant along with others reached at Guddi Gachi, Ward No. 27, Thana-Nagar, District-Madhubani and recovered 450 litre illicit Nepali country made liquor from the side of road. Local people disclosed that seized liquor belongs to the petitioner and he is involved in the business of illicit liquor along with other.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of three cases in which he is on bail and just because of criminal antecedent of the petitioner, he has been falsely implicated in this case. Seizure list has not been made as per law which casts doubt upon the authenticity of the prosecution story. He further submits that alleged liquor has been recovered from the side of road which is an open place and petitioner was not found at the place of occurrence and hence, petitioner cannot be held responsible for the alleged recovery. No incriminating article has been recovered from possession of the petitioner. 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 there is alleged recovery of 450 litre illicit Nepali country made liquor and petitioner is involved in the business of illicit liquor along with other 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), Madhubani in connection with Sadar Excise P.S. Case No. 180 of 2025 arising out of G.O. Case No. 489 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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