

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43785 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- LAKHAURA District- East Champaran

Heppy Kumar S/o Ashok Sahani Resident of Village- Bel Tola, P.S.- Sugauli,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P

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 Lakhaura P.S. Case No. 6 of 2025 lodged on 06.01.2025, for the offence punishable under Sections 30(a), 32 & 41(1) of the Bihar Prohibition and Excise Act, pending in the Court of Special Judge, Excise Court no.1, Motihari, East Champaran.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner. Total recovery of 85 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 has been made from a motorcycle which does not belong to the petitioner. Counsel submits that the petitioner was not apprehended from the place of occurrence and his name has figured in this case only by virtue of the disclosure made by a 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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