

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51444 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- SINDHIYA District- Samastipur

Shri Shiv Kumar Pathak S/o- Late Kamal Kant Pathak Village- Singhiya PS-
Singhiya, Dist- Samastipur Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate

For the Opposite Party/s: Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-07-2025 Heard learned counsel appearing on behalf of the pe-
titioner and learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case regis-
tered for the offence punishable under Section 30(a), 32(1),
32(2), 36, 41(1), 41(2) of the Bihar Prohibition and ExciseA-
mendment Act.

3. As per prosecution case, on secret information, a
raid was conducted in a poultry farm and total 714.24 litres of
illicit liquor was recovered from different vehicles and from the
plot sharing boundary with the farm. The mobile phone of the
petitioner was also recovered from the spot.

4. It is submitted by learned counsel appearing on be-
half of the petitioner that petitioner is quite innocent and has
committed no offence. No incriminating article has been recov-
ered from conscious possession of this petitioner and he has
falsely been implicated in this case merely because the mobile



of the petitioner was recovered from the spot. The alleged illicit liquor has been recovered from an open place, which is accessible to one and all. Petitioner is neither the owner nor the driver of the seized vehicles. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of accusation, fact that no incriminating article has been recovered from conscious possession of this petitioner and clean antecedents, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Excise Judge-I, Samastipur, in connection with Singhiya P.S. Case No. 74 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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