

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54314 of 2025

Arising Out of PS. Case No.-528 Year-2024 Thana- Excise P.S. District- Banka

Saroj Singh S/o- Dewnandan Mahato @ Vyas Yadav Resident Of Village-
Chandaur, Ps- Tetulmari, Dist- Dhanbad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash Dwivedi, Adv.

Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 08-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Banka (Excise) P.S. Case No. 528 of 2024 registered for the offences punishable under Sections 30(a), 41 and 47 of the Bihar Prohibition & Excise Act.

3. As per prosecution case, the police has recovered total 2854.800 liters of illicit liquor from Tata Truck.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the registered owner of the alleged truck from which 2854.800 liters of illicit liquor was recovered. He further



submits that the alleged truck is a commercial vehicle and was not under the control of the petitioner. At the time of seizure, the petitioner was not present at the spot. Accordingly, no case *prima-facie* is made out against the petitioner. He further submits that the petitioner was neither apprehended on spot nor anything incriminating has been recovered from his conscious possession. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused persons have been granted regular bail by this Court vide common order dated 22.03.2025 passed in Cr. Misc. No. 4499 of 2025 with other analogous case being Cr. Misc. No.4999 of 2025.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-



named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Banka (Excise) P.S. Case No. 528 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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