

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61705 of 2025

Arising Out of PS. Case No.-338 Year-2024 Thana- PATAHI District- East Champaran

Bamshankar Baitha @ Bamshankar Kumar S/o- Hiralal Baitha Resident of
village -Nonfarwa, P.S.- Patahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mrs. Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Patahi P.S. Case No. 338/2024 registered for the offences punishable under Sections 274, 275 of the B.N.S. and section 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 51.900 liters Nepali Relax Saufi from the motorcycle in question. Local people and Chowkidar disclosed the name of the petitioner and other who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Except disclosure of local people and chowkidar,



there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. He orally submits that the petitioner has falsely been implicated in this case due to village politics. The petitioner bears two criminal antecedents in which he is on bail. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not the owner of the said motorcycle. The petitioner is not in any way connected with the alleged occurrence. There is no compliance of Sections 103 and 105 of the B.N.S. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

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 Excise Court No.03, East Champaran at Motihari in connection with Patahi P.S. Case No. 338/2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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