

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60188 of 2025

Arising Out of PS. Case No.-357 Year-2025 Thana- PIRBAHOR District- Patna

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Suraj Prasad @ Suraj Kumar Son of Ishwari Prasad @ Iso Prasad Resident of
Village - Gulbi Ghat, Near Chaurasiya Bhawan, Police Station - Sultanganj,
District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Pirbahore P.S. Case No. 357 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 423 litre foreign liquor was recovered from an abandoned house and nearby people disclosed the name of petitioner and others, who fled away from the spot.

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 one case and



just because of his criminal antecedent, petitioner has falsely been implicated in this case. The name of nearby people has not been disclosed in the FIR which questions the authenticity of the prosecution story. He further submits that except disclosure of nearby people, there is nothing on record to connect the present petitioner with the alleged occurrence. Place of recovery is an open place and petitioner cannot be held responsible for the alleged recovery. No incriminating article has been recovered from possession of the petitioner. Petitioner is not in any way connected with the alleged occurrence. Petitioner was not found at the place of occurrence. 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 vehemently opposes 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 Special Judge, Excise-2, Patna in connection with Pirbahore P.S. Case No. 357 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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