

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60080 of 2025

Arising Out of PS. Case No.-532 Year-2025 Thana- SAHAYAK NAGAR District- Katihar

1. Sanjay Singh @ Sanjay Kumar S/o Shankar Singh R/o Village - Sharifganj, P.S - Sahayak, (Nagar), District - Katihar
2. Himanchal Kumar Sah @ Himanchal Kumar @ Himachal Kumar Sah S/o Kashi Kumar Sah R/o - Ajampur, Shankar Ganj, P.S - Semapur, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Dhananjay, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Sahayak (Nagar) P.S. Case No. 532 of 2025 registered for the offences punishable under Sections 317(4), 3(5) of BNS and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 50 litre country made liquor was recovered from two motorcycles in question and local people disclosed the name of petitioners who fled away from the place of occurrence.

4. Learned counsel for the petitioners submits that



name of local people has not been disclosed which questions the authenticity of the FIR. Except disclosure of local people, there is nothing on record to demonstrate the complicity of the present petitioners with the alleged occurrence. He further submits that petitioners are not the owner of alleged motorcycles in question. Petitioners were not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioners. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner no. 1 bear two criminal antecedent in which he is on bail and petitioner no. 2 bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-IIInd, Katihar in connection with Nagar (Sahayak) P.S. Case No. 532 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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