

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61602 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- RS P.S. District- Madhubani

1. Shravan Kumar Das @ Sharvan Kumar S/o Late Mohan Das R/o Village - Behat Uttari, P.S - RS Jhanjharpur, District- Madhubani
2. Bittu Kumar Das @ Bittu Kumar S/o Late Mohan Das R/o Village - Behat Uttari, P.S - RS Jhanjharpur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Surendra Kumar

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 RS Jhanjharpur P.S. Case No. 39 of 2025 registered for the offences punishable under Sections 274, 275, 3(5) of BNS, 2023 and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 18 litre Nepali liquor was recovered from the sack in question. Local people and chowkidar disclosed the name of the petitioners who fled away from the place of occurrence.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. The alleged place of recovery is at bush near river as same is evident from FIR and said place is open place and petitioner cannot be held liable for the same. Petitioner no. 1 bears criminal antecedent of two cases whereas petitioner no.2 bears criminal antecedent of one case and petitioners are on bail in all the cases. Petitioner has falsely been implicated in the case due to village politics. Seizure list has not been prepared as per law. Nothing has been recovered from the conscious possession of the petitioners. In the light of aforesaid facts and circumstances, no offence is made out against the petitioners.

5. The learned A.P.P. for the State vehemently 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 Special Judge



Excise Court, Jhanjharpur, Madhubani in connection with RS
Jhanjharpur P.S. Case No. 39 of 2025, subject to the conditions
as laid down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

vashudha/-

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