

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61835 of 2025

Arising Out of PS. Case No.-396 Year-2025 Thana- Excise P.S. District- Sitamarhi

Sunny Kumar S/o- Teknarayan Sah Village- Dostpur W.No-12, Ps- Bathnaha
Dist- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

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 Sitamarhi Excise P.S. Case No. 396 of 2025 registered for the offence punishable under Section 30(a), 32(3) of Bihar Excise Prohibition (Amendment) Act, 2022.

3. As per prosecution case, on the basis of secret information, 74.250 litre foreign liquor was recovered from the rented house of Pappu Kumar and apprehended co-accused Sunita Devi disclosed the name of petitioner who is involved in illegal trade of liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case.



Petitioner bears no criminal antecedent. He further submits that source of information has not been disclosed in the FIR which questions the authenticity of the prosecution story. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Place of recovery does not belong to the petitioner. 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, keeping in view clean antecedent of the petitioner, 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, Exclusive Excise Court-2, Sitamarhi/ concerned court in



connection with Sitamarhi Excise P.S. Case No. 396 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)

shahzad/-

U		T	
---	--	---	--

