

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65224 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- KHIRHAR District- Madhubani

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Banti Kumar @ Banti Thakur @ Banti Kumar Sharma @ Banti Sharma S/o
Jitan Thakur R/o Village - Adhwari Chauhuta, P.S.- Benipatti, District-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubham Kumar, Adv.

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Shubham Kumar, learned counsel for the

petitioner and Mr. Raj Kishore Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Khirhar P.S. Case No. 52/ 2025 dated 14.06.2025
registered for the offence(s) punishable under Section(s) 274,
275, 317(5) read with section 3(5) of the BNS and section 30(a)
of the Bihar Prohibition & Excise Act.

3. The main submissions advanced by the petitioner's
counsel are that the instant matter relates to the recovery of total
28.125 litres of foreign liquor from a motorcycle and the
petitioner is alleged to have managed to escape from the place
of recovery upon seeing the police party but the petitioner's role
as well as his identification in connection with the commission



of the alleged occurrence was revealed by the apprehended co-accused, Vijay Kumar which is not admissible in the eye of law, and except this, there is no material to show the petitioner's involvement in the commission of the alleged occurrence. It is further submitted that in view of the materials mentioned in the FIR, upon which the prosecution's allegation is based no offence, even prima facie, is made out against this petitioner, so, the petitioner's prayer is not hit by the provisions of section 76(2) of the Bihar Prohibition & Excise Act. It is lastly submitted that petitioner has no criminal antecedent and his past record is completely clean.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. In the facts and circumstances of this case as well as considering the above stated facts and coupled with the petitioner's fair and clean antecedent, this court is inclined to grant the relief of anticipatory bail to him. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Khirhar P.S. Case No. 52/ 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the



like amount each to the satisfaction of the Court concerned,
subject to the conditions as laid down under Section 482(2) of
the BNSS.

(Shailendra Singh, J)

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