

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65015 of 2025

Arising Out of PS. Case No.-218 Year-2025 Thana- JANDAHA District- Vaishali

Vikash Kumar, S/o Budhan Singh, R/o Village- Arniya, P.S.- Jandaha,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Shanti Bhushan Singh, learned counsel
for the Petitioner and Mr. Kanhiya Kishor, learned APP for the
State.

2. The petitioner apprehends his arrest in connection with Jandaha P.S. Case No. 218 of 2025 dated 24.05.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred as 'Excise Act').

3. The main submissions advanced by the petitioner's counsel are that the instant matter relates to the recovery of only 19 litres of Indian-made foreign liquor near a poultry farm and as per the allegation, 4-5 persons were found standing with motorcycles near the place of recovery and upon seeing the police party, they started fleeing, however, four of them were



apprehended by the police. It is further submitted that the petitioner has been made an accused mainly on the basis of his motorcycle, which is alleged to have been found parked near the place of recovery, except this, as well as the disclosure made by the apprehended co-accused regarding the petitioner's involvement in the commission of the alleged offence, there is nothing to show the petitioner's role. It is also submitted that the petitioner bears no criminal antecedent and his past history is completely clean. It is lastly submitted that the materials upon which the prosecution's allegation is based against this petitioner are not sufficient to attract the alleged offence under the Excise Act even *prima facie* against this petitioner, hence, his prayer for anticipatory bail is not hit by the provisions of Section 76(2) of the Excise Act.

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

5. In the facts and circumstances of this case, as well as considering the submissions as stated above, in my opinion, the petitioner deserves the relief of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail



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 in connection with Jandaha P.S. Case No. 218 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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