

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64817 of 2025

Arising Out of PS. Case No.-213 Year-2025 Thana- CHIRAIYA District- East Champaran

Birbahadur Singh, Son of Ramsagar Singh, R/O Vill- Mirapur, P.S.- Chiraiya,
District- East Champaran, Motihari Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Dhandev Kumar, learned counsel for the
petitioner and Mr. Nityanand, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Chiraiya P.S. Case No. 213 of 2025 dated 23.05.2025 registered for the offences punishable under sections 30(a) and 41(1) of the Bihar Prohibition & Excise Act, (in short 'Excise Act').

3. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of only 5 litres of country made liquor which is alleged to have been recovered from the *gawas* of the petitioner and it is an admitted position that the petitioner was not apprehended at the spot at the time of recovery and the alleged place of recovery is situated outside the village, having access to common people. It is further submitted that the petitioner bears no criminal antecedent and his past history is completely clean and he has not remained involved in any kind of offence relating to the Excise Act and he



has been made accused mainly on the basis of the identification made by the local chowkidar and in the light of these circumstances, the alleged offences punishable under the Excise Act, under which the FIR has been registered, do not attract even *prima facie* against this petitioner, so, 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 of the petitioner.

5. In the facts and circumstances of this case as well as considering the submissions as stated above and coupled with petitioner’s fair and clean antecedent, this Court is inclined to grant the relief of anticipatory bail to the petitioner. 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 Chiraiya P.S. Case No. 213 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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