

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65414 of 2025

Arising Out of PS. Case No.-217 Year-2023 Thana- BARGAINIA District- Sitamarhi

Sajan Kumar @ Sanjan Kumar S/O Santosh Ray Resident of Village- Masha
Aalam, Ward No. 03, P.S.- Bairgania, Dist.- Sitamarhi-843313.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bairagania P.S. Case No. 217/2023 registered for the offences punishable under Sections 30(a) (c) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 1821 liters Nepali Saufi liquor from 13 bicycles in question. Apprehended co-accused Arjun Kumar disclosed the name of the petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Except confessional statement of co-accused, there is



nothing on record to demonstrate the complicity of the present with the alleged occurrence. The petitioner bears one criminal antecedent in which he is on bail. The petitioner has no concern with the seized bicycles. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not involved in the business of the illicit liquor. The petitioner is not in any way connected with the alleged occurrence. Seizure list has not been prepared as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act. He further submits that on similar and identical allegation co-accused Rohit Kumar has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.11538/2025 and on the principle of parity the petitioner deserves same treatment.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, on similar and identical allegation co-accused has already been granted anticipatory bail, 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 Exclusive Special Excise Judge-I, Sitamarhi in connection with Bairagania P.S. Case No. 217/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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