

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65328 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- PIYAR District- Muzaffarpur

1. Pano Devi W/o Late Laxmi Ray R/o Vill- Balahiya, Fateullaha, P.S- Piyar, Dist- Muzaffarpur
2. Ankaj Kumar S/o Late Laxmi Ray R/o Vill- Balahiya, Fateullaha, P.S- Piyar, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Piyar P.S. Case No. 105 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 31.250 litre illicit liquor was recovered from the sack and cartoon found at the place of occurrence. It is alleged that apprehended co-accused disclosed the name of petitioners who fled away from the place of occurrence.

4. Learned counsel for the petitioners submits that



except disclosure of apprehended co-accused, there is nothing on record to demonstrate the complicity of the petitioners with the alleged occurrence. He further submits that place of recovery is an open place and, hence, petitioners cannot be held liable for the alleged recovery. They were not found at the place of occurrence. No incriminating article has been recovered from their conditions possession. Petitioners have nothing to do with the alleged recovery. There is no compliance of Section 103 of BNSS. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act. Petitioner no. 1 bears no criminal antecedent and petitioner no. 2 bears criminal antecedent of one case in which he is on bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise II, Muzaffarpur in connection with Piya P.S. Case No. 105 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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