

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65747 of 2025

Arising Out of PS. Case No.-1048 Year-2024 Thana- DANAPUR District- Patna

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Guddu Kumar S/o- Shambhu Rai R/o - Pilapul Akharha Ghat, P.S - Danapur,
District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

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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 Danapur P.S. Case No. 1048 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 85.500 litre illicit liquor was recovered from hut of the petitioner.

4. Learned counsel for the petitioner submits that the hut of the petitioner is situated in open place which is accessible to all and, hence, petitioner cannot be held liable for the alleged recovery. Petitioner has nothing to do with the



alleged recovery. He was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has 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 petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 Special Excise Judge, Danapur in connection with Danapur P.S. Case No. 1048 of 2024, subject to the conditions as laid down under Section Section 482 (2) of BNSS.



7. The application stands allowed.

(Alok Kumar Pandey, J)

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