

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66633 of 2025

Arising Out of PS. Case No.-137 Year-2025 Thana- YADOPUR District- Gopalganj

Bikash Kumar @ Vikash Kumar S/o Jiut Mahato @ Jiut Mahto Resident of
Village- Bangri, P.S.- Jadopur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP

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. Petitioner is apprehending arrest in connection with Jadopur P.S. Case No. 137 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of 165.06 liters illicit liquor from the bushes beside the bypass road in village Patahara. Apprehended accused Bikas Kumar son of Narsh Sahni discloses name of the petitioner who is said to have 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 first information report and he has been falsely implicated



in this case. Petitioner was not found at the place of occurrence. The place from where the alleged recovery has been made is an open place which is accessible to all and petitioner cannot be held liable the alleged recovery. He further submits that except disclosure of apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of two cases in which he is already on bail. It is submitted that because of having criminal antecedent of two cases, petitioner has been falsely implicated in the present case without any basis. There is no compliance of the provisions of section 103 B.N.S.S. as both the seizure list witnesses are members of the raiding party. 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.

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

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



petitioner, above named, in the event of arrest or surrender 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 District & Additional Sessions Judge XIII-cum-Special Excise Court No. I, Gopalganj in connection with Jadopur P.S. Case No. 137 of 2025, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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