

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65699 of 2025

Arising Out of PS. Case No.-149 Year-2025 Thana- BELDOUR District- Khagaria

Banti Kumar S/o Devendra Narayan @ Devendra Narayan Singh R/o Vill-
Akaha, P.S.- Beldaur, Distt- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mrs. Pronoti Singh

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 Beldaur P.S. Case No. 149 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 4.755 litre foreign liquor was recovered from the auto in question which was parked in bamboo orchard and Mahal chowkidar disclosed the name of petitioner and others, who fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of one case and just because of criminal antecedent of the petitioner, he has been



falsely implicated in this case without any basis. He further submits that except disclosure of Mahal chowkidar, 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 was not found at the place of occurrence. Petitioner has no concern either with the seized liquor or place of recovery. Place of recovery is an open place and hence, petitioner cannot be held responsible for the alleged recovery. Learned counsel further submits that petitioner is not owner of the auto in question. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision 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 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-II, Khagaria in connection with Beldaur P.S. Case
No. 149 of 2025, subject to the conditions as laid down under
Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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