

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64789 of 2025

Arising Out of PS. Case No.-103 Year-2022 Thana- RAHIKA District- Madhubani

Sanjay Kumar, Son of Ram Nihora Kumar, R/o Village- Kasera Pokhar, Ward
no. 4, P.S- Town, District – Madhubani. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Adv.
Mr. Manoj Kr. Pandey, Adv.

For the Opposite Party/s : Mr. Binod Kr. No 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Ms. Kumari Pallavi, learned counsel for the
petitioner and Mr. Binod Kr. No 3, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Rahika P.S. Case No. 103 of 2022 dated 17.06.2022
registered for the offences punishable under sections 272, 273
read with section 34 of the Indian Penal Code and section 30(a)
of the Bihar Prohibition & Excise Act (in short 'Excise Act').

3. The main submissions advanced by petitioner's
counsel are that the petitioner is not alleged to be present with the
apprehended co-accused Sanjit Paswan and he has been made
accused mainly on account of he being the registered owner of
the alleged vehicle from which the alleged 26.400 litres of Nepali
country made liquor is said to have been recovered. It is further
submitted that the petitioner bears no criminal antecedent and his
past history is completely clean and he has not remained
involved in any kind of offence relating to the Excise Act. It is



lastly submitted that the material, upon which the prosecution has based its allegations against this petitioner, is not sufficient to show the petitioner’s involvement in the alleged offences punishable under the Excise Act, under which the FIR has been registered, even *prima facie*, against this petitioner, so, his prayer for anticipatory bail is not hit by the provisions of section 76(2) of the Excise Act.

4. Learned APP appearing for the State has opposed the prayer of the petitioner.

5. In the facts and circumstances of this case as well as considering the submissions as stated above and coupled with petitioner’s fair and clean antecedent, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Rahika P.S. Case No. 103 of 2022, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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