

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64929 of 2025

Arising Out of PS. Case No.-213 Year-2025 Thana- BIDUPUR District- Vaishali

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1. Vikram @ Bhalla @ Vikram Kumar, Son of Binod Rai, Resident of Village- Pakri Nayatola P.S- Bidupur, District -Vaishali at Hajipur Bihar
 2. Mahtab Rai @ Mahtab Lal Rai, son of Bainathi Rai, Resident of Village- Pakri Nayatola P.S- Bidupur District -Vaishali at Hajipur Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 1. Heard Mr. Rakesh Kumar, learned counsel for the petitioners and Mr. Mritunjay Kumar Nirala, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bidupur P. S. Case No. 213 of 2025, dated 18.03.2025, registered for the offences punishable under Section 317(5) of the BNS and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioners are that the instant matter relates to the recovery of 720 litres of country made illicit liquor from 12 jute sacks and as per the FIR, the alleged recovery was made from a three-wheeler and three motorcycles were found near the



said three-wheeler though one of the motorcycles belongs to this petitioner but the place of recovery is very near to the house of the petitioner and it is not the case of the prosecution that any of the sacks was recovered from the petitioners' motorcycle, in fact, petitioners' motorcycle was taken by the police when it had been parked near the petitioners' house and thereafter, the petitioners were falsely roped in connection with the recovery of the alleged liquor. It is further submitted that petitioner no.1 bears no criminal antecedent and his past history is completely clean though against the petitioner no.2 there is one criminal antecedent but the same relates to the offences punishable under Section 379 and 414 of the I.P.C relating to the theft of sand which is not similar in nature to the alleged offence in the present matter. It is lastly submitted that the alleged recovery was made late at night and the local chowkidar who accompanied the police party claimed to have identified the accused who managed to escape upon seeing the police party but the FIR does not show the source of identification by the said police chowkidar at that late hour and therefore, all these circumstances clearly show the false implication of the petitioners by the police and the alleged offence under which the FIR has been registered does not attract even prima facie



against the petitioners and therefore, their 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 bail prayer of the petitioners and submits that the smuggling of the alleged liquor was being made by the accused persons in a very planned and organized manner by using several vehicles.

5. In the facts and circumstances of this case as well as considering the submissions as stated above, this court is inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Bidupur P. S. Case No. 213 of 2025 on furnishing bail bonds of Rs. 20,000/-(Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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