

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65773 of 2025**

Arising Out of PS. Case No.-190 Year-2025 Thana- Excise P.S. District- Samastipur

Suraj Kumar Son of Late Ram Lal Rai @ Late Ramnath Rai Resident of  
Village - Madhopur, Ward No.- 9, Police Station - Karpurigram, District -  
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

**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 Samastipur Sadar Excise P.S. Case No. 190 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, on the basis of secret information, 39.165 litre foreign liquor was recovered from bamboo orchard and nearby people disclose that seized liquor belongs to petitioner and other.

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 in



which he is on bail and just because of criminal antecedent of the petitioner, he has falsely been implicated in this case without any basis. He further submits that source of information and name of nearby people have not been disclosed in the FIR which questions the authenticity of the prosecution story. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Place of recovery is an open place and hence, petitioner cannot be held responsible for the alleged recovery. 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 Special Judge,  
Excise-II, Samastipur in connection with Samastipur Sadar  
Excise P.S. Case No. 190 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)**

shahzad/-

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