

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65855 of 2025**

Arising Out of PS. Case No.-315 Year-2025 Thana- GAUTAMBUDHNAGAR District-  
Siwan

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1. Ashok Kumar @ Ashok Prasad Son of Banka Prasad @ Banka Bind  
Resident of Village- Dihiya, P.S.- G.B. Nagar, District - Siwan.
  2. Sandeep Kumar @ Sandeep Bind Son of Ramchandra Prasad Resident of  
Village- Dihiya, P.S.- G.B. Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ramchandra Singh, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      24-09-2025                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners are apprehending arrest in connection with G.B.Nagar P.S. Case No. 315 of 2025 registered for the offences punishable under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 50 liters illicit mahua liquor from a place in Dihiya Chawar.

4. Learned counsel for the petitioners submits that as per version of the F.I.R. petitioners name have surfaced on the basis of secret information but the source of information has



not been divulged in the first information report which questions the authenticity of the prosecution case. The place from where the alleged recovery has been made is an open place which is accessible to all and petitioners cannot be held liable for the alleged recovery. No incriminating article has been recovered from possession of the petitioners. Petitioner no. 1 has no criminal antecedent. Petitioner no. 2 has criminal antecedent of two cases in which he is already on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners 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 petitioners.

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 petitioners, 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 Special Excise Court No. I, Siwan in connection with G.B.Nagar P.S. Case No. 315 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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