

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69417 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- RAGHOPUR District- Supaul

Rajesh Sada Son of Chhedi Sada Resident of Village - Dharhara, Ward No. 11, Mil Tola, P.S.- Raghapur, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Patla Kumari, Adv.
For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Raghapur P.S. Case No. 87 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, informant got secret information that petitioner and other brought the illicit liquor and kept the same in the heap of straw situated near the house of Nago Sada. On the said information, informant along with other police officials reached at the spot. It is alleged that after seeing the police team, two persons managed to escape. It is further alleged that 167.400 litre illicit country made liquor was recovered from heap of straw situated near the house of Nago



Sada. Nearby people disclosed the name of petitioner and other 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 and he has falsely been implicated in this case. Learned counsel further submits that petitioner bears criminal antecedent of five cases in which he is on bail. Learned counsel further submits that in the present case, there is nothing on record which denotes that name of the petitioner has been divulged by any of the specific persons who were found at the place of occurrence and source of information has also not been disclosed in the FIR which casts doubt upon the authenticity of the FIR. Learned counsel further submits that just because of having criminal antecedent of series of cases, petitioner has been falsely implicated in one case after another without any basis. Learned counsel further submits that seizure list has not been prepared as per statutory provision of Section 105(3) of BNSS. Learned counsel further submits that place of recovery is heap of straw which is an open place and same is accessible to all and petitioner cannot be held responsible for the alleged recovery. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found



at the place of occurrence. Petitioner has no concern with the seized liquor. 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. Apart from that, co-accused Ashok Kumar Yadav @ Ashok Yadav, on similar and identical allegation, have already been granted anticipatory bail by this court and on principle of parity, petitioner also deserves anticipatory bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is alleged recovery of 167.400 litre illicit country made liquor from heap of straw situated near the house of Nago Sada and name of petitioner was disclosed by the nearby people and hence, petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, on similar and identical allegation co-accused has already been granted privilege of anticipatory bail by this Court, 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 Judge, Excise Court-2, Supaul in connection with Raghopur P.S. Case No. 87 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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