

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70469 of 2025

Arising Out of PS. Case No.-124 Year-2025 Thana- BHAGWANPUR HAT District- Siwan

Priyanshu Kumar Son of Raju Singh Resident of Village - Bhikhampur, P.S.-
Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bhagwanpur Hat P.S. Case No. 124 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2022.

3. As per prosecution case, 1.620 litre illicit liquor was recovered from the plastic bag and 97 litre illicit liquor was also recovered near the pillar under the bridge. Apprehended co-accused Pintu Sah disclosed the name of petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that except disclosure of the said apprehended co-accused, there is nothing on record to demonstrate the complicity of the present



petitioner with the alleged occurrence. He further submits that place of recovery is an open place and petitioner cannot be held liable for the alleged recovery. He was not found at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that the name of the petitioner has been surfaced in this case upon the disclosure of apprehended co-accused Pintu Sah and petitioner cannot escape from the allegation made in FIR. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 No. 1, Siwan in connection with Bhagwanput Hat P.S. Case No. 124 of 2025, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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