

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70877 of 2025

Arising Out of PS. Case No.-251 Year-2025 Thana- Excise P.S. District- Rohtas

Madan Kumar Rai Son of Janardan Rai Village- Ugrashenpur, P.S.-
Karagahar, District- Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the State : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 532 of 2025, FIR No. 251 of 2025 registered for the offence punishable under Sections 30(a) and 62 of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, on the basis of secret information 25.050 litre illicit foreign liquor was recovered from the cow-shed of Sanjay Paswan and two persons managed to escape from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Learned counsel further submits that source of



information has not been disclosed in the FIR which questions the authenticity of the prosecution story. Petitioner bears criminal antecedent of one case in which he is on bail and just because of criminal antecedent of the petitioner, he has been falsely implicated in this case. He further submits that no incriminating article has been recovered from possession of the petitioner rather the recovery has been made from cow-shed of co-accused Sanjay Paswan and petitioner is not in any way connected with the said cow-shed. There is no compliance of Section 103 of BNSS. 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. He further submits that co-accused Sanjay Paswan, from whose cow-shed alleged recovery has been made, has already been granted anticipatory bail by a co-ordinate Bench of this court vide Cr. Misc. No. 66859 of 2025 and the case of present petitioner stands on better footing and hence, petitioner deserves anticipatory bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that name of petitioner finds place in the FIR and there is alleged recovery of



25.050 litre illicit liquor from the cow-shed of Sanjay Paswan but he fairly conceded that co-accused Sanjay Paswan has already been granted anticipatory bail by a co-ordinate Bench of this court vide Cr. Misc. No. 66859 of 2025.

6. Considering the facts and circumstances of the case, co-accused has already been granted anticipatory bail by a co-ordinate Bench of 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 No. 1, Rohtas at Sasaram in connection with Sasaram Excise P.S. Case No. 532 of 2025, FIR No. 251 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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