

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71697 of 2025

Arising Out of PS. Case No.-340 Year-2025 Thana- BAHADURPUR District- Darbhanga

Arbind Tiwari Son of Late Balram Tiwari Resident of Village - Haripur
Ladaur, P.S.- Simri, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 340/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 18 liters foreign liquor from the car in question and 250.875 liters foreign liquor from the road which is at a distance of 20 feet from the alleged car. Co-accused Ravindra Yadav and Abhishek Kumar apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name



has been surfaced in this case during course of investigation as the owner of the said car. Apprehended co-accused Abhishek Kumar had misused the said car in good faith in carrying the illicit liquor and the petitioner cannot be held liable for the alleged recovery. The petitioner bears one criminal antecedent which is not similar to the present case and he orally submits that he is on bail in the said case. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not in any way connected with the alleged occurrence. Seizure list has not been prepared as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner cannot escape from the allegation made in the FIR.

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-I (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No. 340/2025, 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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