

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71708 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- BANGARA District- Samastipur

Virendra Das @ Vipin @ Virendra Kumar @ Vipin Kumar S/O Sajjan Das
R/O Vill.- Ilmasnagar, P.S- Khanpur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shyam Kishore

For the Opposite Party/s : Mr.Sanjay Kumar

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 (N.H.) Bangra P.S. Case No. 91 of 2025 registered for the offences punishable under Sections 318(4), 338, 336(3), 340(2) of Bhartiya Nagrik Suraksha Sanhita, 2023 and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 4940.295 litre foreign liquor was recovered from the truck in question and apprehended co-accused Shatrudhan Paswan disclosed the name of petitioner and others, 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. It has been submitted at para-6 of the bail petition



that 4940.295 litre English liquor has been recovered from the truck bearing Registration No. BR02GA 3668 and petitioner is neither owner nor driver of the said truck. It has been submitted at para-3 of the bail petition that petitioner bears criminal antecedent of four cases, out of which in three cases he is on bail. Learend counsel orally submits that in fourth case i.e. Tajpur P.S. Case No. 119 of 2025 he has also been granted bail and just because of criminal antecedent of the petitioner, he has falsely been implicated in this case. He further submits that except disclosure of apprehended co-accused Shatrudhan Paswan, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Seizure list does not bear the signature of apprehended co-accused Shatrudhan Paswan, which is contrary to Section 103(6) of BNSS. 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.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that 4940.295



litre foreign liquor was recovered from the truck in question and apprehended co-accused Shatrudhan Paswan disclosed the name of petitioner and hence, 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, Excise-I, Samastipur in connection with (N.H.) Bangra P.S. Case No. 91 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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