

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82658 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- Haraiya District- East Champaran

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Shashi Bhushan Kumar S/O Vinod Prasad R/O Village- Fateh Tola Bairiya
Bazar, P.S- Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
		Ms. Harsha Shashwat
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Haraiya P.S. Case No.21 of 2024 dated 23.10.2024, registered for the offences under Sections 318(4), 338, 336(3), 340(2), 61(2) of the Bharatiya Nyaya Sanhita and 30(a), 41(1), 31, 33, 38 and 47 of the Bihar Prohibition and Excise Act.

3. As per the FIR, acting on secret information, the police conducted a raid and recovered 4,000 liters of spirit from a godown. One person was apprehended on the spot, who disclosed that the transport owners are involved in illegally



procuring spirit through various GST number holders for the purpose of illicit liquor manufacturing.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case merely on the basis of suspicion. The petitioner's name does not appear in the FIR, and there is no cogent material linking him to the seizure in question. He has been made accused in this case during the course of investigation. No recovery has been made from the constructive possession of the petitioner, and he is in no way connected to the recovered spirit or the place from which it was seized. It is further submitted that the petitioner has no concern with the godown and liquor and he was not even seen at the place of occurrence. Lastly, it is submitted that the petitioner has one criminal antecedent similar to the present case, in which he is currently on bail.

5. Learned APP for the State opposed the prayer for grant of anticipatory bail.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession of the petitioner and petitioner is in no way connected with the seized spirit, accordingly, this Court is inclined to grant anticipatory



bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the Court below within a period of four weeks from today 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 Court No.1, East Champaran, Motihari, in connection with Haraiya P.S. Case No.21 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

(Ajit Kumar, J)

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