

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84267 of 2025

Arising Out of PS. Case No.-290 Year-2025 Thana- AHIYAPUR District- Muzaffarpur

Sonu Kumar Sah @ Sonu Kumar Son of Rambalak Sah Vill -Sahbajpur PS-
Ahiyapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anunay Shahi

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ahiyapur P.S. Case No. 290 of 2025, F.I.R dated 26.02.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, the informant Ankura Sinku, posted at Ahiyapur Police Station, in brief is that on 26.02.2025 at about 05:00 A.M., on receipt of secret information that some persons including Sonu Kumar Sah, Suraj Kumar, Mishrilal Rai and Arjun Kumar were allegedly stocking foreign liquor in an under-construction house belonging to Suryanarayan Sah at Raghopur, Ward No.-8, Ahiyapur, the



informant along with other police personnel conducted a raid at the said place. It is alleged that upon arrival, 4 to 5 persons fled from the spot and could not be apprehended. During search of the under-construction house, 34.56 litres of foreign liquor was allegedly recovered and seized, and a seizure list was prepared.

4. Learned counsel for the petitioner submits that the recovery of the seized liquor is made from the place where the house is said to be under construction which is accessible to general public and presence of the labourers working at the site cannot be denied and there is no independent witness to the seizure, which is in violation of terms of provisions of Section 103 of BNSS, and this petitioner is a man of means and the place from where recovery is said to be made is related to *Suryanarayan Sah*, who is in no way connected to this petitioner. Counsel for the petitioner fairly submits that this petitioner has two antecedents, in which he is on bail.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

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 and / or premises belonging to the petitioner and considering the



aforesaid fact that place where recovery is made is no way connected with this petitioner, 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, Muzaffarpur in connection with Ahiyapur P.S. Case No. 290 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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