

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88445 of 2024

Arising Out of PS. Case No.-460 Year-2024 Thana- SINGHESHWAR District- Madhepura

Rajesh Kumar Son of Shambhu Yadav Resident of Sukhasan Ward No. 12, PS
-Singheswhwar, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Singheshwar P.S. Case No. 460 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 40 litre country made liquor was recovered near the house of the petitioner adjacent to bamboo orchard. It is further alleged that 40 litre country made liquor and equipment for preparing illicit liquor was recovered from the house of co-accused Sanjay Paswan.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He



further submits that place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. He was not found at the place of occurrence. He further submits that petitioner bears no criminal antecedent. 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 provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 Additional Session Judge vth cum Special Judge Excise- I, Madhepura in connection with Singheswar P.S. Case No. 460 of 2024 subject



to the conditions as laid down under Section 482 of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

