

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84348 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- PHULWARIA District- Begusarai

Banti Kumar, S/o Kari Chaudhary, R/o Village - Shokahara 01 @ Shokhara -
01, Suiya Factory Ward no.17, P.S - Phulwariya, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-12-2025 Heard Mr. Yugal Kishore, learned counsel for the
petitioner and Mr. Mohammad Sufyan, learned APP for the
State.

2. The petitioner apprehends his arrest in connection with Phulwariya P.S. Case No. 73 of 2025 dated 22.05.2025 registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act (in short, 'Excise Act').

3. Learned counsel for the petitioner submits that as per the prosecution story, 30 litres of country-made liquor was recovered from the petitioner's father's half-constructed house and the name of the petitioner came into light in the disclosure made by the assembled persons during recovery but the FIR does not disclose the names of the assembled persons and



further, if the prosecution's allegation is taken to be true then there was a strong possibility of plantation of the alleged liquor in the petitioner's father's half-constructed house as the same was accessible to everyone at that time, so, there is no strong material to show the petitioner's involvement in the recovery of the alleged liquor, therefore, in the light of these circumstances, the alleged offence of the Excise Act, under which the FIR has been registered, does not attract even *prima facie* against the petitioner, so, his prayer is not hit by the provisions of section 76(2) of the Excise Act.

4. Though learned APP for the State has opposed the prayer of the petitioner but fairly accepts that the recovery of the alleged liquor was made from the petitioner's father's half-constructed house.

5. Considering the aforesaid submissions and mainly the fact that the recovery of the alleged liquor is said to have been made from the petitioner's father's half-constructed house which was accessible to everyone at that time and further, as per the prosecution story, the name of the petitioner was revealed by the assembled persons but the FIR does not disclose the names of the assembled persons, in my opinion, in the said circumstances, the petitioner deserves to the relief of



anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Phulwariya P.S. Case No. 73 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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